

Comprehensive Services Act For At-Risk Youth and Families Manual

Revised April 2003

PREFACE

Definitions

Certain verbs have been chosen for use throughout the Manual:

Shall / Must – Denotes a requirement imposed by **Code** or administrative policy.

Should – Denotes an expectation, rather than a requirement, that generally reflects legislative intent, best practices, or common sense.

May – Denotes permissive language that provides only guidance.

Compliance with Manual

Consultation with the Office of the Attorney General has indicated that the procedures herein meet the State Executive Council's legal obligation to oversee the administration of policies governing the use, distribution and monitoring of monies in the state pool of funds without promulgating extensive regulations. Failure to comply with the requirements in the Manual could result in withholding of funds or a denial of reimbursement for expenditures.

Manual Format

Documentation incorporated from the Code of Virginia has been “quoted”.

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THE COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND FAMILIES: CSA MANUAL

1. Intent and Purpose

Passage of the Comprehensive Services Act by the 1992 General Assembly dramatically altered the administrative and funding systems providing services to at-risk and troubled youth and their families.

The Act has the following intent:

"It is the intention of this law to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youths and their families in the Commonwealth" (Code of Virginia) § 2.2-5200. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5200>

The purpose of this law is to:

- 1) "Ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public;"
- 2) "Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems, or both, due to environmental, physical or psychological stress;"
- 3) "Design and provide services that are responsive to the unique and diverse strengths and needs of troubled youths and families;"
- 4) "Increase interagency collaboration and family involvement in service delivery and management;"
- 5) "Encourage a public and private partnership in the delivery of services to troubled and at-risk youths and their families;" and
- 6) "Provide communities flexibility in the use of funds and to authorize communities to make decisions and be accountable for providing services in concert with these purposes (Code of Virginia) § 2.2-5200." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5200>

2. State Level Management Structure

2.1. State Executive Council

2.1.1. Membership

The State Executive Council is comprised of the following voting representatives:

- Commissioner of the Department of Health;
- Commissioner of the Department of Social Services;
- Commissioner of the Department of Mental Health, Mental Retardation, and Substance Abuse Services;
- Superintendent of Public Instruction;
- Director of Juvenile Justice Services;

- Executive Secretary of the Supreme Court;
- Director of the Department of Medical Assistance Services; and
- Two local government representatives to include a member of a county board of supervisors or a city council and a county administrator or city manager;
- Private Provider
- Parent Representative.

The parent, local elected or appointed officials, and private provider representatives are gubernatorial appointments; the other members are mandated by the Act.

Pursuant to the (Code of Virginia) § 2.2-212 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-212> (effective July 1, 2000), the Secretary of Health and Human Services “serves as lead secretary for the Comprehensive Services Act for At Risk Youth and Families, working with the Secretaries of Education and of Public Safety to facilitate interagency service development and implementation, communication and cooperation.”

2.1.2. Duties and Responsibilities

The duties and responsibility of the Council, as defined in (Code of Virginia) § 2.2-2648, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648> relate to approval of policy and administrative oversight for the Comprehensive Services Act (CSA) and includes:

- “Hiring and supervising a director of the Office of Comprehensive Services for At-Risk Youth and Families;”
- “Appointing the members of the state and local advisory team in accordance with the requirements of (Code of Virginia)§ 2.2-5201;” <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5201>
- “Providing for the establishment of interagency programmatic and fiscal policies developed by the Office of Comprehensive Services for At-Risk Youth and Families, which support the purposes of this chapter, through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;”
- “Providing for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions which support the purposes of this chapter. Such public participation process shall include, at a minimum, sixty days of public comment and the distribution of these guidelines and procedures to all interested parties,”
- “Overseeing the administration of and consulting with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;”
- “Providing for the administration of necessary functions which support the work of Office of Comprehensive Services for At-Risk Youth and Families;”
- “Reviewing and taking appropriate action on issues brought before it by the Office of Comprehensive Services for At-Risk Youth and Families; Community Management and Policy Teams (CPMTs) local governments, providers and parents;”

- “Advising the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes which facilitate interagency service development and implementation, communication and cooperation;”
- “Providing administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems;”
- “Overseeing the coordination of early intervention programs to promote comprehensive, coordinated service delivery, local interagency program management, and co-location of programs and services in communities. Early intervention programs include state programs under the administrative control of the state executive council member agencies;”
- “Overseeing the development and implementation of a mandatory uniform assessment instrument and process to be used by all localities to identify levels of risk of Comprehensive Services Act (CSA) youth;”
- “Overseeing the development and implementation of uniform guidelines to include initial intake and screening assessment, development and implementation of a plan of care, service monitoring and periodic follow-up, and the formal review of the status of the youth and the family;”
- “Overseeing the development and implementation of uniform guidelines for documentation for CSA-funded services;”
- “Overseeing the development and implementation of mandatory uniform guidelines for utilization management; each locality receiving funds for activities under the Comprehensive Services Act shall have a locally determined utilization management plan following the guidelines or use of a process approved by the State Executive Council for utilization management, covering all CSA-funded services;”
- “Overseeing the development, implementation, and collection of uniform data collection standards, and the development of outcome measures; including, but not limited to, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by a uniform assessment instrument for CSA-funded services;”
- Establishing and overseeing the operation of an informal review and negotiation process with the Director of the Office of Comprehensive Services and a formal dispute resolution process before the State Executive Council, which includes formal notice and an appeals process, should the Director or Council find, upon a formal written finding, the CPMT failed to comply with any provision of this Act. “Formal Notice means the Director or Council provides a letter of notification, which communicates the Director’s or Council’s finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include the provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and locality shall develop a plan of repayment,;
- “Having the authority to deny state funding to a locality where the CPMT fails to provide services that comply with the provisions of the Comprehensive Services Act” (Code of Virginia) § 2.2-5200 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5200>, in accordance with subdivision 16,” and

- “Biennially publishes and disseminates to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth and families and a plan for such services for the next succeeding biennium”.

2.2. Office Of Comprehensive Services For Youth And Families

The Office of Comprehensive Services for At-Risk Youth and Families (OCS) is established to serve as the administrative entity of the State Executive Council and to ensure that the decisions of the council are implemented. Duties and responsibilities of the Director as per the (Code of Virginia) § 2.2-2649 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2649> include:

- “Developing and recommending to the State Executive Council programs and fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;”
- “Developing and recommending to the State Executive Council state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;”
- “Developing and providing for the consistent oversight for program administration and compliance with state policies and procedures;”
- “Providing for training and technical assistance to localities in the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families;”
- “Serving as liaison to the participating state agencies that administratively support the Office and that provide other necessary services;” and
- “Providing an informal review and negotiation process pursuant to subdivision 16 of subsection D (Code of Virginia) § 2.2-2648 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648>
- “Implementing, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the State Executive Council.
- “Consulting regularly with the Virginia Municipal League and the Association of Counties about implementation and operation of the Comprehensive Services Act (Code of Virginia) § 2.2-5200et seq. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5200>
- “Hiring appropriate staff as approved by the State Executive Council.”

For additional information on the Act, please contact the Office of Comprehensive Services for Youth and Families:

Mailing Address and Physical Location:

Office of Comprehensive Services for Youth and Families
1604 Santa Rosa Road
Suite 137
Richmond, Virginia 23229
Telephone (804) 662-9815; Fax (804) 662-9831

Interagency mail may be sent to the:

Office of Comprehensive Services for Youth and Families
730 E. Broad Street
Richmond, Virginia 23219

Office E-Mail and Website Address

XCS992@central.dss.state.va.us

www.csa.state.va.us

2.3. State And Local Advisory Team

2.3.1. Membership

The purpose of the State and Local Advisory Team is to better serve the needs of troubled and at-risk youths and their families by advising the state executive council on managing cooperative efforts at the state level and providing support to community efforts. The team shall be appointed by and be responsible to the State Executive Council set out in (Code of Virginia) § 2.2-5200 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5200> Members are appointed to the team by the State Executive Council and include staff from each of five state agencies and representatives as follows:

- Department of Health,
- Department of Juvenile Justice,
- Department of Social Services,
- Department of Mental Health, Mental Retardation and Substance Abuse Services,
- Department of Education.
- parent representative who is not an employee of any public or private program which serves children and families;
- a representative of a private organization or association of providers for children's or family services;
- a local Comprehensive Services Act coordinator or program manager;
- a juvenile and domestic relations district court judge; and
- one member from each of five different geographical areas of the Commonwealth and who serves on, and is representative of the different participants of, community policy and management teams.

The non-state agency representatives serve staggered terms of not more than three years; such terms shall be determined by the State Executive Council (Code of Virginia) § 2.2-5201

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5201>

The team shall annually elect a chairman who shall be responsible for convening the team. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in (Code of Virginia) § 2.2-3117 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3117> of the State and Local Government Conflict of Interests Act (Code of Virginia) § 2.2-3100. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3100>

Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

2.3.2. Duties and Responsibilities

The State and Local Advisory Team is appointed by and responsible to the State Executive Council. As set forth in the (Code of Virginia) §2.2-5202

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5202>

the State and Local Advisory Team:

- “Advises the State Executive Council on state interagency program policies which promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;”
- “Advises the State Executive Council on state interagency fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;”
- “Advises state agencies and localities on training and technical assistance necessary for the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families;” and
- “Advises the State Executive Council on the impacts of proposed policies, regulations and guidelines.”

3. Local Level Management Structure

The Comprehensive Services Act requires that each local government, or combination of governments, establish a Community Policy and Management Team to coordinate agency efforts manage available funds from the State Pool Fund and ensure that eligible youths receive access to services. Additionally, the Act requires the formation of local Family Assessment and Planning Teams for the purposes of reviewing and assessing children and families referred for services, and developing individualized family service plans and providing recommendations for funding. As with the state teams, the Act specifies the membership and responsibilities of each local team.

3.1. Community Policy and Management Team

3.1.1. Appointment (Code of Virginia), § 2.2-5204 and § 2.2-5205

The governing body of each single jurisdiction district and the governing bodies of each multi-jurisdictional district must appoint a Community Policy and Management Team (Code of Virginia § 2.2-5204 and § 2.2-5205 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5204> and <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5205>, which has the responsibility for implementing the requirements of the Comprehensive Services Act, including the expenditure of funds appropriated by the localities and allocated by the State.

3.1.2. Membership (Code of Virginia) § 2.2-5205

The minimum **mandatory membership** (Code of Virginia) § 2.2-5205

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5205>

of each team includes:

- The local agency heads or their designees from the:
 - Community Services Board
 - Department of Social Services
 - Health Department
 - Juvenile Court Services Unit
 - School division
- A **parent representative**
- A **private provider representative**, if a private organization or an association of providers is located within the locality.
- At least one **elected official or appointed official** or his designee from the governing body of a locality which is the member of the CPMT.

3.1.2a. Multi-Jurisdictional Teams

When more than one governing body forms a Community Policy and Management Team, the participating jurisdictions shall jointly decide on the size of the team and the type of representatives from each locality, ensuring that the minimal requirements of the Comprehensive Services Act are met.

3.1.2b. Agency Representatives

The persons appointed to represent community agencies shall be authorized to make policy and funding decisions for their agencies.

3.1.2c. Parent Representatives

The team shall include a parent representative. Parent Representatives who are employed by a public or private program which receives funds pursuant to this chapter or agencies represented on a community policy and management team may serve as parent representative provided that they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children. Notwithstanding this provision, foster parents may serve as parent representatives.

3.1.2d. Private Providers

The team shall include a representative of a private organization or association of providers of children and family services if such organizations or associations are located within a locality.

3.1.2e. Optional Members

Governing bodies have the option of appointing additional members to the Community Policy and Management Team including, but not limited to, representatives from other public agencies, law enforcement officials, and local government officials.

3.1.2f. Conflict of Interest

Any person who serves on a Community Policy and Management Team who does not represent a public agency shall file a statement of economic interests as set out in (Code of Virginia) § 2.2-3117 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3117> of the State and Local Government Conflict of Interests Act. Forms required are provided by the Secretary of the Commonwealth to the clerks of the governing bodies and are filed prior to assuming office and annually thereafter. Refer to code sections for further detail.

3.1.3. Establishment of a Chair

Each Community Policy and Management Team shall establish a Chair, whose signature on CSA documents shall serve as the official signature for the Community Policy and Management Team.

3.1.4. Duties and Responsibilities

3.1.4a. Interagency Service Provision and Policies

The Community Policy and Management Team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. As per the (Code of Virginia) § 2.2-5206 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206> every such team shall:

- 1) "Develop interagency policies and procedures to govern the provision of services to children and families in its community; "
- 2) "Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care; "
- 3) "Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay; "
- 4) "Coordinate long-range, community-wide planning which ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under (Code of Virginia) § 16.1-309.3; <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-309.3> " Refer to section 3.1.4b ".
- 5) "Establish policies governing referrals and reviews of children and families to the family assessment and planning teams and a process to review the teams' recommendations and requests for funding;"
- 6) "Establish quality assurance and accountability procedures for program utilization and funds management;"

- 7) "Establish procedures for obtaining bids on the development of new services;"
- 8) "Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;"
- 9) "Authorize and monitor the expenditure of funds by each family assessment and planning team;"
- 10) "Have authority to submit grant proposals which benefit its community to the state trust fund and to enter into contracts for the provision or operation of services upon approval of the participating governing bodies;"
- 11) "Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and Families, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;"
- 12) "Collect and provide uniform data to the State Executive Council on, but not limited to, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by a uniform assessment instrument for CSA-funded services; and"
- 13) "Have the power to administer funds pursuant to (Code of Virginia) § 16.1-309.3." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-309.3>
- 14) "Have the authority, upon approval of the participating governing bodies, to enter a contract with another community policy and management team to purchase coordination services provided that the funds described as the state pool of funds under (Code of Virginia) § 2.2-5211 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> are not used; and"
- 15) "Submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services information on children under the age of fourteen and adolescents ages fourteen through seventeen for who an acute care psychiatric or residential treatment facility licensed pursuant to Chapter 8 (Code of Virginia) § 37.1-79 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.1-79> exclusive of group homes, was sought but unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or the participating community agencies authorized by the (Code of Virginia) §2.2-5207 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207> Information to be submitted shall include:
- a) The child or adolescent's date of birth;
 - b) Date admission was attempted; and
 - c) Reason the patient could not be admitted into the hospital or facility"

3.1.4b. Coordinated Long Range Planning

The Community Policy and Management Team shall coordinate long-range, community-wide planning which ensures the development of resources and services needed by children and families in its community (Code of Virginia) § 2.2-5205. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206>

The following features should be included in the planning:

- 1) Adoption of a community philosophy with respect to the provision of human services for at-risk youth and their families.
- 2) Identification of the current service delivery system including the following: services purchased outside of the community; the range of services provided; and an assessment of the current strengths and needs of the existing system.
- 3) Adoption of a planning document based on the identified philosophy and current system.

3.1.4c. Appointment of Family Assessment and Planning Teams

Each Community Policy and Management Team shall establish and appoint one or more Family Assessment and Planning Team, as the needs of the community require. (Code of Virginia) § 2.2-5207. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207>

3.1.5. Referrals to Family Assessment and Planning Teams

The Community Policy and Management Team shall establish policies governing the referral of youths and their families to the Family Assessment and Planning Teams. These policies shall include that all youth and their families for which CSA-funded treatment services are requested are to be assessed by the Family Assessment and Planning Team or a collaborative, multidisciplinary team process approved by the State Executive Council and shall consider the criteria set out in the (Code of Virginia) § 2.2-5211 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> and § 2.2-5212. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5212> except for cases involving only the payment of foster care maintenance, which shall be at the discretion of the local Community Policy and Management Team, cases for which service plans are developed outside of this Family Assessment and Planning Team process shall not be eligible for state pool funds.

Nothing in this section shall prohibit the use of state pool funds for emergency placements, provided the youth are subsequently assessed by the Family Assessment and Planning Team or an approved collaborative, multidisciplinary team process within fourteen days of admission and the emergency placement is approved at the time of placement.

In cases involving the denial of state pool funds resulting from parental refusal to consent to release of student records under federal law, where such refusal precludes the development of placement through the family assessment and planning team process or the approved, collaborative, multidisciplinary team process, an appeal for good cause may be made to the Council.

3.1.6. Review of Family Assessment and Planning Team Recommendation

The Community Policy and Management Team must establish a review and approval process for Family Assessment and Planning Team or collaborative multidisciplinary team recommendations and requests for funding. This review and approval process must be according to approved policies of the State Executive Council. Policies should address the criteria by which an Individual Family Services Plan will be reviewed by the Community Policy and Management Team. (Code of Virginia) § 2.2-5206. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206>

Community Policy and Management Teams must ensure that children and youths who are mandated to receive services (students with an Individualized Education Plan and children/youths in foster care) have access to funds without delay. All cases requiring pool funding, except foster care maintenance, are subject to the Family Assessment and Planning Team or collaborative multidisciplinary team review process, as approved by the State Executive Council, which are under the auspices of the Community Policy and Management Team (CPMT). Although the CPMT can review the Individualized Education Plan, it cannot overrule these decisions, or in any way limit the expenditure of funds associated with the mandated services specified.

3.1.6a. Confidentiality

Community Policy and Management Teams must maintain confidentiality when reviewing or acting upon information about children and families served by the community. The (Code of Virginia) § 2.2-5210 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5210> states, “proceedings held to consider the appropriate provision of services and funding for a particular child or family or both who have been referred to the Family Assessment and Planning Team and whose case is being assessed by this team or reviewed by the Community Management and Planning Team shall be confidential and not open to the public, unless the child and family who are the subjects of the proceeding request, in writing, that it be open. All information about specific children and families obtained by the team members in the discharge of their responsibilities to the team shall be confidential.”

3.1.6b. Quality Assurance and Accountability

The Community Policy and Management Team shall establish a quality assurance mechanism to ensure that the pool funds are used according to and in agreement with the philosophy of the Act (Code of Virginia) § 2.2-5206. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206>

At a minimum, this shall include accountability for the decisions made by the Family Assessment and Planning Teams and/or the collaborative multidisciplinary teams in the following areas:

- 1) Fund usage; and
- 2) Services received by children and their families.

3.1.6c. Management of Funds

The Community Policy and Management Team shall establish procedures to manage funds in the interagency budget allocated to the community from the

State Funds Pool, the State Trust Fund, and any other source under the Comprehensive Services Act (Code of Virginia) § 2.2-5206. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206>

These procedures shall include:

- 1) Procedures to authorize and monitor the expenditure of funds by each Family Assessment and Planning Team or collaborative multidisciplinary team including tracking use of funds for services to children/families, whether they were reviewed by the Family Assessment and Planning Team or not.
- 2) Procedures to provide immediate access to funds for emergency services and shelter care.
- 3) Procedures that incorporate the utilization management process requirement, which includes but is not limited to the use of a uniform risk assessment instrument, in each locality's CSA process.

3.1.6d. State Trust Fund

A state trust fund was established with funds appropriated by the General Assembly for the purposes of:

- 1) Early intervention services for young children and their families, which are defined to include: prevention efforts for individuals who are at-risk for developing problems based on biological, psychological or social/environmental factors.
- 2) Community services for troubled youths who have emotional or behavior problems, or both, and who can appropriately and effectively be served in the home or community, or both, and their families. (Code of Virginia) § 2.2-5213. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5213>

The existing fund consists of Federal Temporary Assistance for Needy Families (TANF) funding and is administered by the Department of Social Services (DSS) www.dss.state.va.us. Presently there is no additional funding available for grants other than those previously approved by the Office of Comprehensive Services (OCS) www.csa.state.va.us in accordance with (Code of Virginia) § 2.2-5213. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5213>

3.1.6e. Grant Proposals and Contracts

The Code of Virginia, (§ 2.2-5206) <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206> gives the Community Policy and Management Team the authority to submit grant proposals to the State Trust Fund and to enter into contracts for the provision or operation of services upon approval of the participating governing body or bodies.

3.1.6f. Non-Discrimination

Community Policy and Management Teams must develop procedures to ensure that services are provided in a nondiscriminatory manner. Services provided by Community Policy and Management Teams and Family Assessment and

Planning Teams shall not discriminate on the basis of race, ethnicity, sex, age, religion, socioeconomic status, handicapping conditions, or national origin.

3.1.6g. Responsibility for Signing Contracts and Placement Agreements

The Community Policy and Management Team must identify the person/agency responsible for signing placement agreements and contracts.

3.1.7. Procedures to Ensure Appropriate Parental/Legal Guardian Contribution

The CPMT shall have procedures to "assess the ability of parents/legal guardians to contribute to the cost of CSA funded services when not prohibited by state or federal law or statute". (Code of Virginia) § 2.2-5206. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206> Refer to § 3.2.3-5 in this CSA manual regarding utilizing the sliding fee scale.

3.1.8. Local Certification Requirements

Certification of local Community Policy and Management Teams is required in order to draw down Funds Pool allocations. The original certification documentation was submitted in 1993 and is still in effect. However, if the regional structure of a Community Policy and Management Teams changes, all localities involved will be required to resubmit both Parts 1&2 of the Applications for Certification. Copies may be obtained from the Office of Comprehensive Services.

Additional information regarding certification requirements is in § 7 of this manual.

3.2. Family Assessment and Planning Teams

3.2.1. Appointment (Code of Virginia) § 2.2-5207

The second tier of the local-level management structure is the Family Assessment and Planning Team. Members are appointed by the Community Policy and Management Team. Communities may have as many Family Assessment and Planning Teams as are necessary to meet the needs of the population. Multidisciplinary teams approved by the State Executive Committee may also be utilized (Code of Virginia) §2.2-5207 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207>

3.2.2. Membership (Code of Virginia) § 2.2-5207

The minimum **mandatory membership** (Code of Virginia) § 2.2-5207 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207> of each the Family Assessment and Planning Team includes representatives from the:

- Community Services Board
- Department of Social Services
- Health Department
- Juvenile Court Service Unit
- School division, and

- a parent representative.

Other members may be appointed to the Family Assessment and Planning Team at the discretion of the Community Policy and Management Team.

3.2.2a. Agency Representatives

"The staff appointed to the Family Assessment and Planning Team from each agency shall have the authority to access services within their respective agencies" (Code of Virginia) § 2.2-5207. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207> The decision of the Family Assessment and Planning Team does not override waiting lists internal to specific agencies. The State Executive Council recommends, however, that each member agency of a Community Policy and Management Team evaluate its protocols for services to ensure appropriate prioritization for children covered by the Act.

3.2.2b. Parent Representatives

Parent representatives who are employed by a public or private program which receives funds pursuant to this chapter or agencies represented on a community policy and management team may serve as parent representative provided that they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children. Notwithstanding this provision, foster parents may serve as parent representatives.

3.2.2c. Private Providers

Although participation of private providers on the Family Assessment and Planning Team is not required, it is encouraged.

3.2.2d. Optional Members

Other representatives may be appointed to the Family Assessment and Planning Team at the discretion of the Community Policy and Management Team.

3.2.2e. Conflict of Interest

Any person who serves on a Family Assessment and Planning Team who does not represent a public agency shall file a statement of economic interests as set out in (Code of Virginia) § 2.1-639.15 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-3117> of the State and Local Government Conflict of Interests Act. (Code of Virginia) § 2.2-3117. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207>

3.2.3. Duties and Responsibilities

The Family Assessment and Planning Team shall "assess the strengths and needs of troubled youths and families who are approved for referral to the team and identify and determine the complement of services required to meet these unique needs." (Code of Virginia) § 2.2-5208. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208>

Specific responsibilities of the Family Assessment and Planning Team include the following:

- 1) "Review referrals of youths and families to the team;"
- 2) "Provide for family participation in all aspects of assessment, planning, and implementation of services;"
- 3) "Develop an individual family services plan for youths and families reviewed by the team which provides for appropriate and cost-effective services;"
- 4) "Refer the youth and family to community agencies and resources in accordance with the services plan;"
- 5) "Where parental or legal guardian financial contribution is not specifically prohibited by federal or state law or regulation, or has not been ordered by the court or by the Division of Child Support Enforcement, assess the ability of parents/legal guardians to contribute financially to the cost of services to be provided and provide for appropriate financial contribution utilizing a standard sliding fee scale based on ability to pay from parents or legal guardians in the individual family services plan;"
- 6) "Recommend to the community policy and management team expenditures from the local allocation of the state pool of funds;" and
- 7) "Designate a person who is responsible for monitoring and reporting, as appropriate, on the progress being made in fulfilling the individual family services plan developed for each youth and family, such reports to be made to the team or the responsible local agencies." (Code of Virginia) § 2.2-5208.
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208>

3.2.4. Family Participation

The Family Assessment and Planning Team (FAPT) shall "provide for family participation in all aspects of assessment, planning and implementation of services". (Code of Virginia) § 2.2-5208 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208> this includes full participation by the family during the team meeting when their child's case is being presented. In addition, parents should be encouraged to participate in any Community Policy and Management Team meeting that involve assessment, planning and implementation of services for their child.

The Individual Family Service Plan shall not be implemented without the consenting signature of the custodial parent and/or agency or individual legally serving in the place of the parent, unless otherwise ordered by the court, upheld by the appropriate review process or authorized by the Code of Virginia. This requirement does not interfere with procedures to provide immediate access to funds for emergency services and shelter care provided the youth are subsequently assessed by the FAPT or collaborative, multidisciplinary team process approved by the State Executive Council within 14 days.

Parents of children receiving special education services must be afforded all parental rights authorized by the Individuals with Disabilities Education Act and Virginia law. Specifically, parents must be "members of any group making the placement decision." Further, "whatever placement options are available to a child will be fully discussed and analyzed at placement meetings, allowing input from all the participants," include the parents (34 CFR § 300.501). Refer to Appendix J for additional insight into parental rights under the Comprehensive Services Act.

The Family Assessment and Planning Team (FAPT) is to provide for the participation of foster parents in the assessment, planning and implementation of services when a child has the program goal of permanent foster care or is in a long term foster care placement. The case manager is given the responsibility of notifying the foster parents of the time and place of all assessments and planning team meetings related to the youth. The foster parents are given the opportunity to speak at the meeting or submit written testimony if unable to attend. The opinions of the foster parents are to be considered during team deliberations.

3.2.5. Implementation and Monitoring of the Individual Family Service Plan

The Family Assessment and Planning Team shall "designate a person who is responsible for monitoring and reporting, as appropriate, on the progress being made in fulfilling the individual family services plan developed for each youth and family, such reports to be made to the team or the responsible local agencies." (Code of Virginia) § 2.2-5208

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208>

The local Community Policy and Management Team shall set the policy for how this person will be designated and how that information will be communicated to the appropriate parties.

3.2.6. Access to Pool Funds from Community Policy and Management Teams

The Community Policy and Management Team shall develop local procedures governing expenditures by the Family Assessment and Planning Team. Issues to address in these procedures include:

- Which expenditures a Family Assessment and Planning Team, if any, can approve without additional review or authorization from the Community Policy and Management Team;
- Processes for the Family Assessment and Planning Team to request funds from the Community Policy and Management Team or fiscal agent;
- Length of time required to receive approval of expenditures including approval of emergency placements at the time of the placement and assessment by the FAPT or an approved collaborative multidisciplinary team within 14 days of admission;
- Except for cases involving only the payment of foster care maintenance budget defines which shall be at the discretion of the local community policy and management, cases for which service plans are developed outside of this FAPT process shall not be eligible for state pool funds.

3.2.7. Exchange of Information

The Community Policy and Management Team must develop and/or oversee the development of procedures to allow the referring agency to obtain consent to exchange client information with the Family Assessment and Planning Team, to provide for the prompt release of records to the Family Assessment and Planning Team, and to ensure the confidentiality of the Family Assessment and Planning Team proceedings.

The Comprehensive Services Act requires all public agencies that have served a family or treated a child who is referred to the Family Assessment and Planning Team to cooperate with the team. The referring agency is responsible for obtaining the written consent(s) required to share information with the team. (Code of Virginia) § 2.2-5210. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5210>

3.2.8. Confidentiality

Family Assessment and Planning Team meetings where children/families are discussed shall be confidential and not open to the public, unless the child and family who are the subjects of the meeting request, in writing, that it be open. All information about specific children and families obtained by team members shall be confidential.

3.3. Multi-disciplinary Team Process

During the 1999 General Assembly, the use of a collaborative multidisciplinary team approved by the State Executive Council was recognized in the (Code of Virginia) § 2.2-5209. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5209> The team may serve as an alternative to the family assessment and planning team (FAPT). Since the intent of the original CSA legislation was for multi-agency teams to work collaboratively, the FAPT process continues as the exemplary standard for CSA teams. Multidisciplinary teams are accountable to the CPMT and must follow all state and federal laws/policies pertaining to CSA affiliated agencies, provisions in the CSA Manual and all other criteria specified in the Comprehensive Services Act (Code of Virginia) § 2.2-5200 et seq. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5200>

Localities wishing to use the alternative teams must submit a standardized application, which was developed with state and local input, to the Office of Comprehensive Services (see Appendix G).

3.4. Dispute Resolution Process

The “Dispute Resolution Procedure, which includes a notice and an appeals process, should the State Executive Council find, upon a formal finding, that a Community Policy and Management Team (CPMT) failed to comply with any provision of this Act, and the procedure shall also include provisions for remediation by the CPMT.”

3.4.1. Specific Issues that can be appealed through the CSA Dispute Resolution Process

The following issues can be appealed through the Dispute Resolution Process:

- 1) Denial by the Office of Comprehensive Services (OCS) of financial reimbursement for expenditures incurred by a community policy and management team (CPMT), which the CPMT anticipated would be paid for by Comprehensive Services Act (CSA) funds.
- 2) Application of a CSA policy by the OCS to a CPMT, which results in a detrimental impact on a CPMT.
- 3) Denial by the OCS of a request for a waiver or exception to or for relief from the application of a CSA policy, which results in a detrimental impact on a locality.

3.4.2. Who Can File an Appeal?

Only the community policy and management team (CPMT) can file an appeal. Appeals are not available to clients of CSA services or to any subgroup of the CPMT, such as a member agency or an individual on the team.

3.4.3. To Whom an Appeal is Made

All appeals shall be filed with the State Executive Council, constituted pursuant to (Code of Virginia) § 2.2-2649 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2649> at the Office of Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Road, Wythe Building, Suite 137, Richmond, Virginia, 23229-5008.

3.4.4. Process Governing an Appeal.

3.4.4a. Informal Review and Negotiation.

Within 30 calendar days of the written notification from the OCS to the CPMT of the denial of financial reimbursement or of the application of one or more provisions of the Comprehensive Services Act Manual which adversely affects the locality and/or the CPMT, the CPMT may file a written request for an informal review of the denial or of the application of the policy with the OCS.

- 1) The request for an informal review shall be deemed to be filed when delivered to or mailed by registered or certified mail to the Executive Council at the address of the OCS. Within 15 calendar days after receipt of the request, the OCS Director shall contact the chairman of the CPMT in order to determine if informal negotiation can resolve the dispute.
- 2) If informal negotiation fails to resolve the dispute, either the CPMT or the Director of the OCS may elect to engage in dispute resolution proceedings as provided for in Section IV.B. Such election shall be in writing and shall be filed with the Director of the OCS and the other party, on or before the 45th calendar day following receipt of the initial written request by the CPMT or as indicated by the Director of OCS.
- 3) If either party chooses not to go forward with a dispute resolution proceeding, the CPMT may request a formal review before the State Executive Council pursuant to Section IV C. of this process.

3.4.4b. Dispute Resolution Proceedings.

- 1) If the parties agree to go forward with a dispute resolution proceeding, they may, within 10 calendar days of the request for dispute resolution, agree on a specific dispute resolution program or on the use of a neutral facilitator, experienced in conducting dispute resolution proceedings and in providing dispute resolution services. In the event the parties are unable to agree on the employment of a dispute resolution facilitator or program, the Director of the OCS, shall immediately request the Department of Dispute Resolution Services in the Office of Executive Secretary, Supreme Court of Virginia, to refer the appeal to a neutral facilitator or a dispute resolution program on the list of neutral facilitators maintained by that Department, taking into account the subject matter of the dispute and the expertise of the

neutral facilitator. Any expense incurred for such facilitator or program shall be borne equally by the parties.

- 2) The provisions of (Code of Virginia) § 8.01-576.9, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+8.01-576.9> shall govern the conduct of the parties and the neutral facilitator in such a proceeding.
- 3) In the event the dispute resolution proceeding fails to resolve the appeal, the CPMT may request a formal review before the State Executive Council.

3.4.4c. Formal Review before the State Executive Council.

The CPMT may request the opportunity for a formal review before the State Executive Council, and, upon such a request, such a proceeding shall be scheduled.

- 1) A request for a formal review before the State Executive Council shall be made:
 - Within 30 calendar days of the conclusion of any informal process under Section IV A. above, if no request is made for a dispute resolution proceeding.
 - Within 10 calendar days of the final session of a dispute resolution proceeding, which did not produce an agreement, if a request for a dispute resolution proceeding is made, and the dispute resolution process fails to resolve the issues under appeal.
- 2) Such a request shall be filed in writing with the Director of the OCS and the Chairman of the State Executive Council at 1604 Santa Rosa Road, Wythe Building, Suite 137, Richmond, Virginia 23229-5008
- 3) A formal review before the State Executive Council shall be scheduled within 30 calendar days of such a request, unless an agreed extension up to an additional 45 days is negotiated between the parties. Written notice of the time and place for such a proceeding shall be provided by the Chairman of the State Executive Council to the CPMT and the OCS no less than 15 days prior to the scheduled review date.
- 4) The Chairman of the State Executive Council or his designee, who shall be a member of the Council, shall preside over the formal review to be held before a panel composed of a quorum of the Council.
- 5) The CPMT and the OCS shall be entitled to be present and be represented by counsel and to submit oral and documentary evidence and rebuttal proofs. The burden of proof shall be upon the CPMT to demonstrate the improper denial of financial reimbursement, misapplication of CSA policy and /or denial of a request for a waiver or exception, and that the decision which is appealed is within the control of the State Executive Council.
- 6) At the conclusion of the formal review, the Council shall consider the merits of the statements and evidence presented by the CPMT and the OCS and shall render a decision within 10 days. The decision of the State Executive Council shall be in writing and shall be signed by the Chairman

of the Council or his designee who presided over the proceeding. Any member of the panel may note his dissent. The Council may announce its decision in the presence of the CPMT and the OCS. However, all such decisions shall be sent by registered or certified mail to the CPMT and a copy delivered to the OCS within 5 calendar days of the date of being rendered.

- 7) The decision of the State Executive Council shall be final.

3.5. Liability Issues

The Act provides for immunity from civil liability for both the members of the Community Policy and Management Team and the Family Assessment and Planning Team (Code of Virginia) § 2.2-5205 and § 2.2-5207 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5205>
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207>

These sections state, "Persons who serve on the team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent."

Each locality and agency should have its legal counsel review the Act for its general and specific policy implications and legal requirements.

3.6. Due Process Protections

There are three due process systems available. The **special education system, which** involves state level review, the **social service system** that involves both local and state level review, and the **courts**. These systems are established by federal and state requirements separate from the Act and are available to youths and families, as appropriate. There is no state review system solely for the Comprehensive Services Act. State due process systems supporting special education and foster care are not impacted by the CSA.

Each Community Policy and Management Team shall establish a local due process system. The minimum parameters of this system shall include:

- Notice to families (at point of entry to Family Assessment and Planning Teams;
- Opportunity for the family/child to be heard and defend their position; and
- Timelines for review requests and Community Policy and Management Team responses.

This review process system shall not take the place of any other review process pursuant to existing state or federal law (e.g., special education, foster care).

3.7. Management of Records

The State Executive Council shall "oversee the development and implementation of uniform guidelines for documentation for CSA-funded services" (Code of Virginia) § 2.2-2648. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648>

Uniform documentation guidelines approved by the State Executive Council address the minimum child-specific documentation required to demonstrate compliance with Comprehensive Services Act. An inventory of required documentation is included in Appendix E.

Each Community Policy and Management Team shall adopt written policies and establish procedures for management of the Individual Family Service Plans and other documentation consistent with minimum state and federal requirements.

Each Community Policy and Management Team is reminded they shall also adhere to requirements of the Family Education Rights and Privacy Act and the **Code of Virginia** regarding education records. Specifically, parental consent is required to release education records. Education records are broadly defined as all records maintained by the education agency.

3.8. Retention and Destruction of Records

The retention of and destruction of original records is based on the agency's procedures, which produced the record. The State Library of Virginia is responsible for managing the retention and destruction of all public agency records and has developed schedules applicable to each agency www.lva.lib.va.us/whatwedo/records/index.htm Record officers who must sign off on forms before destroying any public record are located throughout the State of Virginia.

3.8.1. Duplicate Records

The Comprehensive Services Act does not require that records are stored for a specific period of time, rather the agency's retention and destruction policy under whose purview the record originated must be adhered to. The Virginia State Library indicates that the agency originating the records and the documentation therein are responsible for maintaining files in accordance with the standards (schedules), which have been established. Duplicates ("copies" of convenience) of original records are not under the purview of the destruction schedule and therefore could be purged as long as the original records are maintained by the appropriate originating agency.

Destruction schedules developed for individual agencies can be found on the Virginia State Library's website: www.lva.lib.va.us or call (804) 692-3600 or (804) 692-3603.

3.9. Legal Services

The (Code of Virginia) § 2.2-5204 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5204> provides as follows: "The county or city which comprises a single team and any combination of counties or cities establishing a team shall arrange for the provision of legal services to the team."

In the case of a multi-jurisdictional team certain issues need to be considered:

- It is possible that a multi-jurisdictional team could become involved in legal issues arising between the representative jurisdictions, which then might necessitate the need for each locality to seek its own counsel. A single attorney might not be appropriate at this point.
- There may be legal issues against and/or between certain entities where a single attorney could not represent all interests.
- Any access to the Attorney General's Office that an entity now has is still in existence and is a resource for appropriate legal advice.

Each locality and agency should have its legal counsel to review the Act for its general and specific policy implications and legal requirements.

4. Parental Rights and the Comprehensive Services Act

The Comprehensive Services Act was designed to assist troubled youths and their families to gain access to the services from various human services agencies in order to meet their needs. State and local agencies, parents and private service providers work together to plan and provide services. All parents of children served by the CSA have the right to:

- 1) Understand the local CSA process and to receive information on the timelines for receiving and reviewing referrals for services.
- 2) Be notified before the child is assessed or offered services.
- 3) Understand the information received in the parent's native language.
- 4) Consent in writing before beginning any services that are part of the family service plan developed, except when ordered by the court, upheld by the appropriate appeals process, or authorized by law.
- 5) Review and receive information regarding the child's record and to confidentiality (unless otherwise authorized by law ordered by the court).
- 6) Assistance from local human services professionals to receive the services your child requires.
- 7) Review, disagree with and appeal any part of the child's assessment or service plan.
- 8) Participate during the entire meeting at which a Comprehensive Services Act Team discusses the child and family situation.

Refer to Appendix J for additional insight into parental rights under the Comprehensive Services Act.

5. Foster Care Services, the Foster Care Service Plan and the Individual Family Service Plan (IFSP)

5.1. Foster Care Services

Foster Care Services and placement are provided for children who; 1) have been identified as needing services to prevent foster care placement, 2) have been placed through an agreement between social services or the public agency designated by CPMT and the parents or guardians where legal custody remains with the parents or guardian, 3) have been committed or entrusted to a local boards of social services or child welfare agency or 4) have been placed under the supervisory responsibility of a local board.

Foster Care Services are defined broadly in the **Code** as the provision of a full range of casework, treatment and community services for a planned period of time to a child and his family. Foster care services are any appropriate service documented as needed on the Foster Care Service Plan.

Funding for services and to meet basic needs of foster children, in addition to maintenance, largely comes from the CSA State Pool Fund. Therefore, local policies governing pool funds shall provide access to permissible pool funded services identified in the Foster Care Service Plan and/or Individual Family Services Plan of a foster care child.

Effective with the FY 03 Appropriations Act, "Funding under the Comprehensive Services Act shall only be used for a residential placement through a non-custodial foster care agreement that results from court involvement if the court has ordered and received a family assessment that

indicates that therapeutic services in a residential placement are necessary for a child, or a founded Child Protective Service investigation indicates that the parents have been unable or unwilling to provide the necessary services to ensure the safety and well being of the child.”

5.2. Foster Care Prevention

Foster care prevention cases are those in which intervention is needed to prevent long-term out-of-home placement of a child. The child must be at imminent risk of removal and placement into foster care.

Services provided to the child and family will generally be short-term and intensive in order to prevent out-of-home placement.

Below are defined categories of foster care prevention services, which may be paid from State Pool funds. Refer to the Department of Social Services Technical Assistance Document in Appendix A and the Revised Foster Care Prevention Guidelines in Appendix H in this manual for more information.

5.2.1. Mandated Foster Care Prevention Cases

Cases to be served under foster care prevention described above must meet the following requirements:

- 1) The child’s safety will not be at risk by maintaining him or her in the home.
- 2) The child must be at risk of removal and placement into foster care within six months of the date the need for services is identified.
- 3) The goal of the family is to maintain the child in the home.
- 4) The services to be funded are necessary to the Individual Family Service Plan (IFSP) and to the goal of maintaining the child in his or her family.
- 5) The services to be funded (or provided) can be accomplished within six months. The provision of services beyond six months requires *prior* approval by the Virginia Department of Social Services. For guidelines in obtaining approval for extensions beyond six months, see page 4 of Appendix H of the CSA manual.
- 6) If services are purchased, the provider of services must meet appropriate and relevant standards and the case manager must comply with the requirements of the Comprehensive Services Act including utilization management.

5.2.2. In-Home Services

These services are provided for a period of up to six months in order to preserve the family and maintain the child in his/her own home. If services are needed beyond the initial six months, the FAPT must request approval in writing from the DSS Regional Foster Care Specialist at least 30 days before the initial six months of services has been completed. The following requirements must be met:

- 1) Provision of services is essential to the continued prevention of foster care placement.

- 2) The family, the FAPT (where appropriate), and other involved individuals and community organizations are in general agreement, as reflected in the service plan, that the services are appropriate for achieving the service plan objectives and meeting the family's and children's needs.

5.3. The Foster Care Plan and the Individual Family Service Plan

The Foster Care Service Plan provides safeguards to ensure that a permanent plan is developed for every child in foster care. The Foster Care Service Plan is developed in accordance with P.L. 96-272 and (Code of Virginia) § 63.2-906 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-906>

The state and federal requirements for foster care plans are listed below and can be found in the Department of Social Services Foster Care Policy Chapter, Volume VII, Section III Chapter B. <http://www.localagency.dss.state.va.us/divisions/dfs/fc/fcchapterfinal.pdf>

The Individual Family Services Plan (IFSP) is the plan for services developed by the Family Assessment and Planning Team.

5.4. Integration of Foster Care, Individual Education, and the Individual Family Service Plans

The Foster Care Service Plan and the Individual Family Service Plan may be the same document as long as the plan meets the requirements listed in the (Code of Virginia) § 63.2-906 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-906> is accepted by the court as a substitute, and is permitted by local CSA Policy and Procedures.

When the Family Assessment and Planning Team are also staffing a child in foster care, every effort should be made to integrate the process of developing the Foster Care Service Plan, the Individual Family Service Plan, and the Individualized Education Plan when a child in foster care receives special education services. Federal and state law requires that in case planning and review of foster children, the safety and health of the child is the paramount concern.

5.5. Components of a Foster Care Service Plan

All children in foster care must have a Foster Care Service Plan (Code of Virginia) § 63.2-906. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-906>

A synopsis of the Plan's components is as follows:

- selection of a foster care goal,
- a discussion of the reasons for placements,
- a clear description of all the efforts to prevent removal,
- the child's situation at the time of custody,
- the efforts to prevent removal,
- the efforts to place the child in the least restrictive environment,
- how court orders have been carried out,
- the child's and parents' needs and the services to meet those needs,
- the responsibilities of the parents, and
- time frames for achieving the goals in the plan.

The format for the Plan is mandated in the (Code of Virginia) § 63.2-906. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-906>

The Foster Care Service Plan must be completed within 60 days of the initial placement and is subject to court review. The Foster Care Plan and/or the IFSP should also contain information on the parental financial contribution required by (Code of Virginia) § 2.2-5206 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5206> and § 2.2-5208. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208> For additional information call the Virginia Department of Social Services, Foster Care and Adoptions Section (804) 692-1276 or the appropriate Regional Foster Care specialist.

5.6. Court Services Review of Foster Care Plans

The Foster Care Service Plan must be completed within 60 days of the initial placement and must be reviewed initially by the court within 75 days of the Preliminary Removal Order Hearing or placement and every six months thereafter until a permanent plan is achieved for the child. A Permanency Planning Hearing is required to occur within 14 months after placement to determine a permanent plan for the child.

5.6.1. Permanency Planning and Administrative Review

Agencies are required to petition for termination of parental rights if the child has been in care for 15 of the last 22 months unless there is a compelling reason not to terminate rights, the child resides with a relative, or the parents have not been provided the services needed to return the child safely home. Once a permanency decision is made, if the child remains in foster care, these cases must be reviewed administratively annually through an Administrative Panel Review, alternating with annual court reviews.

To facilitate the coordination between the Foster Care Plan review process and the Family Assessment and Planning Team process, localities may use Family Assessment and Planning Team staffing in place of the foster care administrative panel review as long as requirements for the administrative panel review, such as the 10-day notice to parents, completion of required forms, etc. are met.

5.7. The Individual Family Service Plan and the Court

In order to clarify the relationship between the Individual Family Service Plan and the Court, a Bill to amend (Code of Virginia) § 2.2-5211 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> was passed by the 2000 General Assembly (Code of Virginia) § 2.2-5211 as follows: "In any matter properly before a court for which state pool funds are to be accessed, the court shall, prior to final disposition, and pursuant to (Code of Virginia) § 2.2-5209 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5209> and (Code of Virginia) § 2.2-5212 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5212> refer the matter to the Community Policy and Management Team for assessment by a local Family Assessment and Planning Team authorized by policies of the Community Policy and Management Team for assessment to determine the recommended level of treatment and services needed by the child and family. The Family Assessment and Planning Team making the assessment shall make a report of the case or forward a copy of the individual family services plan to the court within thirty days of the court's written referral to the Community Policy and Management Team. The court shall then consider the recommendations. However, the court may make such other disposition as is authorized or required by law, and services ordered pursuant to such disposition shall qualify for funding, as appropriated, under this section."

5.7.1. Court Ordered Services

(Code of Virginia) § 2.2-5211 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> did not create any additional categories of children for whom "sum sufficient" funds

shall be available. In cases where the court orders services other than those recommended by the Family Assessment and Planning Team, actual payment of those services will depend on the availability of funds and whether the particular child is qualified for "sum sufficient" funding under (Code of Virginia) § 2.2-5211 (C). <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> In other words, if a court orders services for children not covered by (Code of Virginia) § 2.2-5211 (C), <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> such services shall qualify for funding. However, if the locality's allocation from the State Pool of Funds is insufficient to pay for those services, the services cannot be authorized. If additional funds become available to the local pool, the services ordered shall qualify for funding.

5.8. Legal Custody

Within Chapter 11 of the Code of Virginia are several articles and sections relevant to the issue of custody, foster care, and receipt of services under the Comprehensive Services Act. Particular attention should be paid to the (Code of Virginia) § 16.1-228 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-228> (definitions); (Code of Virginia) § 16.1-241 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-241> (Jurisdiction of Juvenile and Domestic Relations Court Judges in the custody, visitation, support, control or disposition of a child), (Code of Virginia) § 16.1-251 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-251> (Emergency removal orders), and (Code of Virginia) § 16.1-252 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-252> (preliminary remove orders and hearings), (Code of Virginia) § 16.1-278.2-5 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-278> (Dispositional alternatives available to juvenile court judges in these cases).

Children may also be placed in foster care and be mandated through a non-custodial agreement where the parents or prior custodians retain custody. These cases are subject to all the foster care review requirements.

The Comprehensive Services Act promotes child-centered, family-focused, and community-based services to children, in the least restrictive environment. To implement this philosophy when a foster home or residential placement is necessary, localities are encouraged to determine if placement can be made without transferring custody from the parent to an agency.

When the CPMT wishes to provide services for the purposes of preventing foster care placement, the child/family in question may be eligible for pool funds and considered in the mandated population, without the local Department of Social Services assuming custody, if the intervention is needed primarily to prevent foster care placement of a child who is at risk of entering foster care within six months if services are not provided.

5.9. The IFSPs of the CSA versus IDEA's-Part C (Formerly Part H)

The Individual Family Services Plan required by the Comprehensive Services Act is different than the Individualized Family Service Plan required by federal special education legislation for infants and toddlers (Individuals with Disabilities Education Act, Part C). The federal requirements of the Individualized Family Service Plan for infants and toddlers do not apply to the Individual Family Service Plan developed in accordance with the Comprehensive Services Act.

6. Source of Funds for the Services

Funding for services listed/identified on the IFSP may be accessed from a variety of sources. The sources of funding include but are not limited to:

- State or Local Agency Funds
- Private Insurance
- Parental Child Support
- Parental Co-Payments
- Medicaid Funds
- Other Community Resources
- CSA Pool Funds

If the only available funding source is the CSA Pool, the FAPT team will make the recommendations to the CPMT for the expenditure of pool funds. Again, the requirements of all funding streams, including supplanting requirements and the definition of children mandated for CSA Services must be met.

The CSA pool cannot be billed for services, which are billable to other funding streams. Staffing patterns that are required to implement the Standards of Quality and Special Education Regulations are the responsibility of the local school division and not billable to the CSA Pool. Transportation to private special education facilities was not paid for out of the funding streams that were blended to create the CSA Pool. As a result, the local school division should pay for transportation costs.

7. Special Education and the Comprehensive Services Act

The passage of CSA in 1992 enabled communities to better meet the needs of children and youth, including children receiving special education services. Local social service or court services staff persons have long been involved in IEP meetings on a case specific basis. The multidisciplinary focus of the FAPT team enables communities to better meet the needs of all children.

“...Many local schools have found that their efforts to place special education students in the least restrictive environment have been enhanced by the CSA process. The support provided by other community agencies has often been the necessary component to enable children to remain in their community or school. CSA planning has enabled schools to ensure that they are meeting the least restrictive environment provisions of special education.

This interagency support is useful before placement in a more restrictive setting and during the annual review of the student’s education plan for students placed in private schools by the local school division. “The interagency focus of CSA has also helped many school divisions determine how and when a child in a private day or residential community may be returned to a less restrictive environment in the community. 1*”

The special education target population defined in the **Code of Virginia** includes those “children placed for purposes if special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance.” This includes all children whose IEP’s include placements in private day school or private residential facilities.

The requirements associated with special education are associated by (**Code of Virginia**) § 22.1-215, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-215> and the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8 VAC 20-80-10 et seq). These requirements define special education (“specially-designed instruction, at no cost to the parent, to meet the needs of a child with a disability”); specify criteria for evaluation and determination of eligibility, development of a program of services (the IEP), and review and revision of the program. In addition, the IDEA establishes significant parent and student rights regarding notice consent, participating in meetings and rights when the parent or student disagrees. The Virginia Department of Education’s web site includes the special education regulations (<http://www.pen.k12.va.us/VDOE/Instruction/Sped/varegs.pdf>), the procedural safeguards afforded parents and students (http://www.pen.k12.va.us/VDOE/Instruction/Sped/proc_safe.pdf), and A Parent’s Guide to Special Education. http://www.csa.state.va.us/pdf/parent_guide.pdf

1 Excerpt from the Virginia Department of Education, Superintendent’s Memo #95, May 24, 1995

Two special education streams were placed in the CSA Pool1, effective July 1, 1993. These streams had previously paid for private day schools and private residential special education facilities, whether made by the local school division according to the student's IEP (Special Education Private Tuition) or made by social services or the juvenile justice system (Interagency Assistance Fund).

7.1. Individual Education Program (IEP)

A child may be found eligible to receive special education after an evaluation is conducted, in accordance with IDEA procedures, and a team (including the parents) determines that the child meets the eligibility criteria. Following determination of eligibility, an Individual Education Program (IEP) is developed for the child. The IEP will address the special education and related services the child needs to benefit from the general curriculum. The local school division develops the IEP to assure the child receives a free and appropriate public education, as required by IDEA.

7.2 IEP Team

A multi-disciplinary team that includes the parent, teachers, related services providers (e.g., psychologists, school social workers, occupational therapists, physical therapists, speech-language pathologists) IEP administrators and others develop the IEP as appropriate. For children served through CSA, the "others" may include representatives of Social Services for children who are in foster care, of the court services unit for children who are on probation, of the community services board for children who are receiving such services, a representative of the FAPT, or a CSA coordinator. This enables a seamless coordination of services between the schools and other agencies. The child's parents must give consent for a representative of another agency to participate in the IEP meeting.

The team develops the IEP considering the strengths of the child, concerns of the parents for the child's education, and evaluation results. It includes annual, measurable goals to address the needs identified and short-term objectives or benchmarks to reach the goals. The IEP then identifies the services needed to achieve the goals and objectives.

Beginning at age 14, the IEP must address transition to adult services. By the time the child is 16, representatives from other agencies shall be invited to meetings to discuss transition services.

The child's placement is determined following the identification of services. The focus is on providing services to children with disabilities in the least restrictive environment generally the environment where the child would be educated if he/she did not have a disability. Decisions regarding moving to a more restrictive environment are made with the use of supplemental supports and services are insufficient to enable a the child to remain in the least restrictive setting. In Virginia, less than 1% of all special education placements are in more restrictive private day or residential placements (and funded by CSA). The majority of students (95%) are served in public schools.

7.3. Role of the local FAPT/CSA with respect to the IEP

In 1999, the General Assembly made clear that service plans developed outside of the FAPT process or "collaborative multidisciplinary team process approved by the State Executive Council" or will not be eligible for the CSA pool of funds (Code of Virginia) § 2.2-5209. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5209>

This requirement highlights the importance of one of the fundamental CSA principles, the creation of a system of care for children and families through multi-agency planning. As federal law gives the parent the right (to consent to the) permission for release of education records 2**, this code section provides that "in cases involving the denial of state pool funds resulting from the parental consent to release of student records under federal

law, where such refusal precludes the development of placement through the family assessment and planning team process or the approved, collaborative, multidisciplinary team process, an appeal for good cause may be made to the Council.”

A child eligible for special education who receives services under CSA would likely have two separate service plans: an Individualized Education Program (IEP) and Individual Family Service Plan (IFSP). The IEP and IFSP are complementary documents which, when taken in whole, create a seamless service plan which address the needs of the child and family.

Federal and state requirements prohibit any entity from changing the services or placement specified on the IEP. The FAPT and the CPMT are likewise prohibited from changing the IEP, including services and placement specified.

2** Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99

7.4. Special Education and Utilization Review

Due to federal mandates associated with the special education process, the utilization review procedures are to be completed by the IEP team. (For most children, planning is improved when at least one member of the IEP team is also a member of the local FAPT.) The administration of a uniform assessment instrument (CAFAS) must be completed.

The locality may choose to complete CSA utilization review with special education placements to receive the benefit of the information provided through this utilization review. However, caution should be exercised in implementation of the recommendations/results of the utilization review, to be sure that they would maintain compliance with special education requirements (e.g. a medical model regarding the child’s mental health status cannot be used to change an educational placement, since such placement is based upon educational needs rather than medical needs).

7.5. Parental Rights in Special Education

Federal special education law and regulations afford the parents of children with disabilities significant rights regarding their children.

For special education purposes, the parent is the natural or adoptive parents, guardian or person legally responsible for the child’s welfare. By federal statute, the term “parent” does not include local or state agencies or their agents, including local departments of social services, if the child is in custody of such an agency (34 CFR § 300.20).

If a parent cannot be identified or the school division, after reasonable efforts, cannot discover the whereabouts of a parent, the division appoints a surrogate parent. If the parent of a child in foster care is identified and can be found, the division is obligated to recognize that person as the parent for special education purposes.

A foster parent may serve as the parent for special education purposes if parental rights have been terminated and the child is in permanent foster care. (This would eliminate the need for appointment of a surrogate parent.) The local educational agency makes the decision as to whether it will use the foster parent as the surrogate parent.

The procedural safeguards afforded to parents regarding involvement in placement decisions apply to CSA team decisions about placements. Local CSA policies and procedures should ensure that the following rights are afforded to the parents of all children with disabilities for whom the FAPT is making an educational decision.

- The parents of a child with a disability are members of the CSA team that makes decisions on the educational placement of their child.
- The parents shall be informed of the purpose, time and location of the FAPT/CPMT meeting when their child's placement will be discussed, as well as who will be in attendance and of their right to bring other individuals with knowledge or special expertise regarding the child to the meeting.
- If neither parent can participate in a meeting when a decisions regarding educational placement is made, use other methods shall be used to ensure participation, such as an individual or conference telephone call or video conferencing.
- The CSA team without involvement of the parents may make a placement decision, if the team is unable to obtain the parents' participation. If this is the case, the team must have a record of its attempts to ensure the parents involvement. These must include efforts to find a mutually agreed upon time and place for the meeting.
- The locality shall make reasonable efforts to ensure that the parents understand and are able to participate in any group discussion relating to the educational placement of their child. This includes arranging for an interpreter for parents with deafness or whose native language is other than English.

Federal confidentiality requirements give parents the authority over their student's educational records, including participants at the meetings in which their child's education record is discussed. Schools must secure parental consent for any non-school employee to participate in the IEP meeting. In the absence of parental consent, the schools with cannot share information with relevant CSA entities. Generally, with sufficient explanation of the value of the CSA process, parents provide the necessary information.

7.6. Responsible Locality for Education of Children Served through CSA

7.6.1. Children in Private Placements

All children placed in a private placement through CSA who are eligible for special education shall have an IEP. The local school division that is part of the CSA Team that placed the child shall be responsible for the IEP.

- For an educational placement of a student with a disability (as specified by the child's IEP) the school division shall develop the IEP and is responsible for assuring that special education is provided.
- For a non-educational placement for a student with a disability (a placement made by another agency or the CSA team as a whole), the school division that is part of the CSA team shall revise the IEP to reflect the non-educational placement. The IEP shall reflect that the student is now in a non-educational placement and shall address the student's special educational needs while in the placement. The revised IEP for a non-educational placement **is not** considered the source of the residential placement (i.e., the child is not "mandated, special education").
 - ✓ The school division is responsible for ensuring that special education and related services are appropriately provided, in accordance with the IEP. The school division has no responsibility for the residential placement/service.

- ✓ The IEP shall reflect that the placement is for non-educational reasons.
- ✓ The school division is not responsible for special education least restrictive environment requirements, as the child's placement was made for non-educational reasons.
- ✓ If a due process hearing is filed, the last educational placement agreed to by the school and parent is the "stay put" placement. The last educational placement may have been a public school in the school division.
- ✓ Only the special education portion of the placement is paid for using special education mandated portion of CSA pool funds. The non-educational portion of the placement with either foster care or non-mandated portion of CSA pool funds.

7.6.2. Role of Private School

For any child with an IEP that specifies an either an educational or non-educational placement, the IEP meeting shall include a representative of a private school/facility.

- The school division **may** have the private school or facility or revise the IEP. However, the facility may not do so unless requested by the school division and must involve school division personnel. No changes may be made to the IEP without local school division involvement in the meeting or approval. The responsibility for compliance with special education requirements remains with the school division.

7.6.3 Children Placed in Care in another Locality

If the local social services agency, community services board, court services unit, or Community Policy and Management Team places a child in a child caring facility, foster home or other residential setting cross-jurisdictionally (outside of the CPMT's political jurisdiction), the placing CPMT shall be responsible for making arrangements for the child's education. The local school division representative on the FAPT or CPMT shall be involved to assure continuity of educational services for the child.

- If the cross-jurisdictional placement is into a private educational placement, the payment for the placement remains the responsibility of the CPMT that placed the child. It does not become the responsibility of the CPMT or school division where the child caring facility, foster home, or other residential setting is located.

7.6.4. Children in Foster Care

If the cross-jurisdictional placement is not at a facility that provides education services, the CPMT should plan for the child's education. If it is intended that the child attend the local public school, arrangements should consider whether the child could be enrolled.

- Local school divisions shall provide services to children in foster care who can be educated in the public schools in that locality or in a public regional program. The division will be reimbursed by the Department of Education as part of the foster care reimbursement fund (Code of Virginia) §22-101.1 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-101.1>, and §22.1-215 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-215>

This is applicable for all children receiving foster care services, regardless of whether or not the child is eligible for special education.

- ✓ However, if the child's educational needs cannot be met in that public school or public in a regional program that includes that division, the school division that is part of the responsible CSA team is the division responsible for ensuring the child's special education needs are addressed. If the school division where the child is in foster care identifies that the child can't be served in a less restrictive setting and prepares the IEP with a private placement, the placing CPMT is responsible for paying for that placement. Close communication between the localities is encouraged.
- Education should be part of planning for ALL out-of-district foster care placements so everyone will understand whether the child can be served in that locality. Although schools are required to serve children, not all schools may have the same capacity. For example, when placing a child in a smaller, more rural locality, it may be possible that the child is the only child in that county with a particular disability. It is not likely that the division can secure appropriately qualified personnel immediately upon the arrival of the child. Further, children will not be successful in a program in which they are the only, or one of a very few, students.

7.6.5. Children not in Foster Care

Local school divisions are **not required** to enroll children who are non-residents and not in foster care. Each local school board can determine whether that division will admit non-residents and, if so, if the board will charge tuition (Code of Virginia) § 22.1-3; § 22.1-5).

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-3> <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-5>

- ✓ Prior to placing a non-foster care child cross-jurisdictionally; it is imperative that the CPMT determine if the child can enroll in the local school division. If the school board's policies do not permit enrollment, then other arrangements must be made for either the child's education, or for another living arrangement. The CPMT cannot be in a position of making a placement for a child, which denies the child's access to education.

It is important to note that the CSA Pool cannot pay tuition to a local school division; it must be paid by the local school division. Therefore, if a child is placed for non-educational reasons in a group home in another locality and that school division charges tuition for the child, the local school division on the CSA team will be charged tuition. This underscores the importance of working with the local school division representatives on the FAPT/CPMT prior to out of district placements.

7.6.6. Residency

Language was added to latest revision (2001) of the special education regulations to clarify residency for children who receive special education services and placed for non-educational reasons and are not physically present in the school division:

- Children in nursing homes: the child is resident where parent resides;
- Children not in foster care who are placed in a group home placed by a community services board, court services unit, or court of competent jurisdiction: the child is a resident where the parent resides;

- An 18+ year old or older who has been found legally incompetent by the court: the adult student's a resident where the legal guardian resides; and
- An 18+ year old or older that has not been found legally incompetent: the adult student's residence is the "fixed home to where the adult child will return following a temporary absence and at which the adult child intends to stay."

7.7. CSA Funding

7.7.1. CSA Pool Responsibility

The sum sufficient nature of special education is captured in the Comprehensive Services Act legislation (Code of Virginia) § 2.2-5211 C <http://leg1.state.va.us/cgi-bin/legp504.exe?2000+cod+2.2-5211> and is reflected the commonly used term, "mandated", to describe special education populations served by CSA. The special education "mandated" under CSA does not apply to all children who are eligible to receive special education services in Virginia. Rather, these services are limited to:

- those services provided to a student whose IEP calls for a private day special education placement or a private residential special education placement and
- the special education portion of a placement of a student who was placed in a private residential facility by another CSA entity.

If, as a result of a due process hearing, a hearing officer order a child to be placed in a private school, the school division is responsible for implementing the IEP and CSA funds must be made available to fund the placement, following CSA reimbursement procedures.

The CSA Pool requirements identified a third level of service recognized for payment to ensure that there is no incentive to place a child in a more restrictive (and more costly) residential placement due to the inability to access "mandated" funds for any services that would retain the child in the community. Those services are identified on the student's IFSP and identified by the FAPT as necessary to maintain the child in a less restrictive educational placement than a private day or residential placement.

- Inclusion of this category ensures that CSA Funding requirements do not violate federal and state special education provisions that require students be placed in the least restrictive environment, moving to a more restrictive placement only when a less restrictive placement is not feasible (34 CFR §§ 300.550-300.556). By permitting billing some community-based services to the CSA Pool as "special education mandated", the state and school divisions are better prepared to meet these least restrictive education requirements. In addition, there is generally a significant cost savings to communities over placement in private day or residential special education schools.
- There are certain restrictions to the services that can be billed to the CSA Pool.
 - ✓ The services must be identified by the FAPT and be written into the IFSP. The FAPT record should make clear that the services are necessary to keep the child out of a more restrictive special education placement, i.e., for educational reasons. Services for students who are eligible for special education but would benefit from services for reasons unrelated to the child's education cannot be billed to the CSA Pool as "mandated"; such a services would be "non-mandated".

- ✓ School divisions must pay for instructional staff members (i.e., teachers) and all services identified in the IEP for those students who IEPs do not call for private day or private residential placement. Services must be identified in the child's IFSP and be determined to be "mandated" by the FAPT in order to keep the child in the less restrictive placement for special education purposes.

7.7.2. Local School Division Responsibility

Local school divisions are responsible for payment for all services specified in the student's IEP for those students not placed in private day or residential special education placements. This includes the following:

- Aides/paraprofessionals that provide instructional support and those specified in Regulations Governing Special Education Programs for Children with Disabilities in Virginia.
- Evaluations associated with special education.
- Homebound instruction.
- Instructional materials.
- Medical services specified in the child's IEP.
- Regional special education programs costs.
- Tuition payments to another school division.

The state special education regulations specify that the school division is responsible for the transportation costs associated with private placements funded by the CSA Pool to be consistent with the philosophy of the CSA Pool. (The Pool supports costs previously funded by the funding streams that became part of the Pool in 1993. At that time, transportation costs were not included in the two special education funding streams that became part of the Pool.)

7.7.3. Regional Special Education Programs

Local school boards that create a regional special education program to serve children with low incidence disabilities will receive reimbursement from this funding source from the Department of Education. The cost is split between the state and local school divisions.

7.7.4. Parental Co-Payments

CSA requires parental participation in the treatment of their child through a parental co-payment except where prohibited by law. Since federal special education must be provided at no cost to parents, a parental co-payment may **not** be charged to any service specified on the IEP. A co-payment may be charged for services on the IFSP. These services are not considered special education and related services.

7.7.5. Medicaid-funded Residential Placements

Some children served by CSA teams are placed in residential placements, which are funded by Medicaid. As Medicaid will not pay for educational services, the educational portion of such

placements must be paid to assure compliance with compulsory education law. The CSA team will need to budget funds for the educational services. If the child is eligible for special education, the educational services specified on the IEP may be considered mandated. If the child is not eligible for special education, all private educational services, that is, those services which the local school system is unable to provide, would be considered non-mandated. If the child is not placed in a residential placement by the CSA team, the local school division and the CSA team have no obligation to pay for educational services.

7.7.6. Agency Disputes Involving Children with Disabilities

IDEA addresses interagency dispute that may interfere with the provision of a free appropriate public education to children. In the event that a dispute arises regarding provision of a payment for services, the local school division shall provide or pay for such services. The local school division shall claim reimbursement by the other agencies.

8. Local Certification Requirements

Certification of local Community Policy and Management Teams is required in order to draw down Funds Pool allocations. The original certification documentation was submitted in 1993 and is still in effect. However, if the regional structure of a Community Policy and Management Teams changes, all localities involved will be required to resubmit both Parts 1&2 of the Applications for Certification. Copies may be obtained from the Office of Comprehensive Services.

8.1. PART I CERTIFICATION

8.1.1. Single or Multi-jurisdictional Teams

Each city and county may serve as a single jurisdiction district or may join with other localities to form a multi-jurisdictional district. Among the factors that a jurisdiction may consider in deciding to act singularly or in concert with other cities or counties is how service delivery is currently structured among the agencies required to collaborate as part of the Comprehensive Services Act.

8.1.2. Fiscal Agent

There shall be established a separate fiscal agent for each Community Policy and Management Team. If the Community Policy and Management Team are multi-jurisdictional, the fiscal agent shall establish accounts for each participating locality, and all rules will apply to each account as if it were a separate entity.

8.1.3. Fund Audit

The expenditure of funds under the Comprehensive Services Act will be audited in each locality as a separate program account, and will be conducted as part of the annual local audit. Each locality is permitted flexibility in defining Comprehensive Services Act funds within its account structure, provided Comprehensive Services Act state and local expenditures and revenues are identified separately from other funds.

8.1.4. Legal Services

(Code of Virginia) § 2.2-5204 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5204> provides as follows: "The county or city which comprises a single team and any

combination of counties or cities establishing a team shall arrange for the provision of legal services to the team.”

8.1.5. Statement of Economic Interest Filings

The Comprehensive Services Act requires that a statement of economic interests be filed (Code of Virginia) § 2.2-5201, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5201> (Code of Virginia) § 2.2-5205, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5205> and (Code of Virginia) § 2.2-5207. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5207>

All non-public agency members of Community Policy and Management Teams and Family Assessment and Planning Teams must file statements of economic interest. Persons employed by public agencies should file statements of economic interest if they are required to do so by existing state and local requirements.

Forms for filing the Statement of Economic Interest are available from the office of the clerk of the local governing body (county or city clerk's office). Statements must be filed by January 15 of each year. Completed forms are filed with the clerk's office of the local governing body.

8.2. PART II – CERTIFICATION

8.2.1. General Provisions

Guidelines approved by the State Executive Council pursuant to (Code of Virginia) § 2.2-2648 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648> were developed consistent with the intent and purposes of the Comprehensive Services Act. Copies of these guidelines may be obtained from the Office of Comprehensive Services.

8.2.2. Purpose

Part II of the Certification Application is for certification for participation in the Comprehensive Services Act and to become eligible for state pool funding under the Act. Part II, submitted by the Community Policy and Management Team, requires the applicant to certify substantial compliance with the programmatic and fiscal policies established by the Comprehensive Services Act and the State Executive Council.

8.2.3. Process

The Certification Application is a self-certification process. The applicant must indicate on the application that required procedures have been developed and formally adopted by the Community Policy and Management Team and that all policies and procedures exist in written form.

8.2.4. Submission of Part II Certification

The submission of Part II Certification by a locality provides the assurance to the State Executive Council that the locality is substantially in compliance with the programmatic and fiscal policies established by the Comprehensive Services Act and the State Executive Council. The signatures of the Community Policy and Management Team Chair, and the Chair of the State Executive Council will bring about an agreement between the locality and the state.

9 . State Pool Funds

9.1. Purpose of CSA Pool Funds

The intention of the Comprehensive Services Act is to create a collaborative system of services and funding that is child-centered, family-focused, and community-based when addressing the strengths and needs of troubled and at-risk youths and families in the Commonwealth. The Comprehensive Services Act established, effective July 1, 1993, a pool of state funds to be expended for public or private residential or nonresidential services for troubled youths and families. The purpose of this pool of funds, as stated in ([Code of Virginia](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211)) § 2.2-5211, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211> is to:

"Place authority for making program and funding decisions at the community level;

Consolidate categorical agency funding and institute community responsibility for the provision of services;

Provide greater flexibility in the use of these funds to purchase services based on the strengths and needs of youths and families; and

Reduce disparity in accessing services and reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams."

The sources for the Pool Funds originally included eight agency funding streams that were used to purchase residential and nonresidential services for individual children. These funding streams previously provided state support for foster care, private special education placements, certain placements by the juvenile justice and mental health systems. All federal and state regulations pertaining to each of the individual agency funding streams included in the pool must be followed. The table below illustrates the former funding streams and the agencies where they originated:

Department of Social Services State and Local Foster Care Foster Care Purchased Services	Department of Juvenile Justice 286 Special Placements 239 Special Placements
Department of Education Private Tuition Interagency Assistance	Other Interagency Consortium Department of Mental Health, Mental Retardation and Substance Abuse Services Purchased Beds for Adolescents

Allocation of funds in the state pool to local communities is determined on a formula basis and is specified in the Appropriation Act.

9.2. Scope of Pool Funds

9.2.1. Children and Families Eligible for Pool Funds

The Pool Funds can be used to provide services to children/youth and their families in the three populations described below. These include youth defined as:

- **Eligible** for services, all children who may be served with pool funds.
- **Targeted** for services, i.e., children who were served by the funding streams incorporated into the Pool; and
- **Mandated** for services. Those children/youth, who meet relevant mandates for the provision of special education and foster care services and, prior to the enactment of CSA, were served by the funds placed in the pool.

9.2.1a. Eligible Population

Youth meeting one or more of the criteria below, and their families, are **eligible** for services provided with Pool Funds (Code of Virginia) § 2.2-5212:
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5212>

- 1) "The child or youth has emotional or behavior problems which:

Have persisted over a significant period of time or, though only in evidence for a short period of time, are of such a critical nature that intervention is warranted;

Are significantly disabling and are present in several community settings such as at home, in school or with peers; and require services or resources that are unavailable or inaccessible or that *are* beyond normal agency services or routine collaborative processes across agencies or require coordinated services by at least two agencies."

- 2) "The child or youth has emotional or behavior problems, or both, and currently is in, or is at imminent risk of entering, purchased residential care. In addition, the child or youth requires services or resources that are beyond normal agency resources or routine collaborative processes across agencies, and requires coordinated services by at least two agencies."
- 3) "The child or youth requires placement for purposes of special education in approved private school educational programs."
- 4) " The child or youth has been entrusted to a local social services agency by his parents or guardian or has been committed to the agency by a court of competent jurisdiction or placed with a local department or public agency designated by the Community Policy Management Team through an agreement where custody is retained by the parent or prior custodian for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by (Code of Virginia) § 63.2-900"
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-900>

9.2.1b. Targeted Population

Children/youth identified in the Comprehensive Services Act as having been served by the funding streams in the State Pool are **presumed eligible**. These targeted youth receive priority in accessing funds and services over youth who are also determined to be eligible, but who were not previously served by the funding streams in the state pool.

These targeted populations (Code of Virginia) § 2.2-5211
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>
include:

- 1) "Children placed for purposes of special education in approved private school education programs, previously funded by the Department of Education through private tuition assistance;" (Note: This included only private day and private residential placements for the purpose of receiving a free and appropriate public education).
- 2) "Children with disabilities placed by local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Non-educational Placements of Handicapped Children;.
- 3) " Children for whom foster care services, as defined by (Code of Virginia) § § 63.2-110, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-100> and 63.2-905, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-905> are being provided to prevent foster care placements, and children entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction, or placed with a local department or public agency designated by the Community Policy Management through an agreement where custody is retained by the parent or prior custodian for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by (Code of Virginia) § 63.2-900; <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-900>
- 4) "Children placed by a juvenile and domestic relations district court, in accordance with the provisions of (Code of Virginia) §16.1-286, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-286> in a private or locally operated public facility or nonresidential program; and "Children committed to the Department of Juvenile Justice and placed by it in a private home or in a public or private facility in accordance with (Code of Virginia) § 16-14." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-249>

9.2.1c. Mandated Service Population

Youth for who access to funds and services are mandated include those defined in (1), (2), and (3) of the targeted population identified above. "The General Assembly and the governing body of each county and city shall annually

appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B1, B2 and B3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The Community Policy and Management Team shall anticipate the number of children for whom such mandated services will be required and shall reserve from its state pool allocation such sum as shall be sufficient to meet these needs" (Code of Virginia) § 2.2-5211.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

9.2.1d. Age of Eligible Youth

"For the purposes of determining eligibility for the state pool of funds, 'child' or 'youth' means (i) a person less than eighteen years of age and (ii) any individual through twenty-one years of age who is otherwise eligible for mandated services of the participating state agencies including special education and foster care services" (Code of Virginia) § 2.2-5212. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5212>

Targeted youth (as defined 5.2.1b.) for whom services are not mandated are also eligible to receive services, as defined in the service plan, through age 21, if these services were initiated before the youth was 18 years of age, or, if these services were ordered by a court of competent jurisdiction in accordance with (Code of Virginia) § 16.1-242.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-242>

9.2.2. Payment for Services and Change of Legal Residence

The Community Policy and Management Team jurisdiction where the child legally resides shall be responsible for payment for the services identified in the child/family's Individual Family Service Plan.

Issues of legal residence should be addressed by the legal services assigned to the Community Policy and Management Team. In the event that the child/family's legal residence changes, the following policy shall govern payment for services:

- The former Community Policy and Management Team jurisdiction is responsible for (a) providing written notification to the new Community Policy and Management Team jurisdiction of the fact that the child/family's residence has changed and (b) forwarding child's/family's Individual Family Service Plan and other Family Assessment and Planning Team documents to the new Community Policy and Management Team jurisdiction; and (c) informing service providers of changes in the child/family's residence.
- The former Community Policy and Management Team jurisdiction pays for services until 30 calendar days after the new Community Policy and Management Team receives written notification of the child/family's residence in the new Community Policy and Management Team locality.
- When the residence of the child/family transfers to a new Community Policy and Management Team jurisdiction, the receiving Community Policy and Management Team jurisdiction must review the current Individual Family Service Plan and adopt or revise and implement within 30 calendar days.
- Community Policy and Management Team jurisdictions are encouraged to:

- a. Keep track of the child/family's residence status;
- b. Notify receiving Community Policy and Management Teams as soon as they know of the child/family's pending move, to facilitate planning; and
- c. To work cooperatively to resolve issues related to legal residence.

9.2.3. Utilization Management

The State Executive Council shall “oversee the development and implementation of mandatory uniform guidelines for utilization management. Each locality receiving funds for activities under the Comprehensive Services Act shall have a locally determined utilization management plan following the guidelines or use of a process approved by the State Executive Council for utilization management, covering all CSA funded services” (Code of Virginia) § 2.2-2648. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2648> Additionally, the (Code of Virginia) §2.2-5209 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5209> allows the State Executive Council to approve a local specific collaborative, multidisciplinary team process to provide utilization management on certain locality specific cases.

Utilization management is a set of techniques used by or on behalf of purchasers of health and human services to manage the provision and cost of services through systematic data driven processes. The utilization management guidelines approved by the State Executive Council and required for use by all localities are included in Appendix C.

Utilization review is a major component of the State Executive Council approved utilization management process. Utilization review is a formal assessment of the necessity, efficiency and appropriateness of the services and treatment plan for an individual. The utilization review guidelines approved by the State Executive Council are included in Appendix D.

The Comprehensive Services Act utilization management process includes:

- Collection of assessment data, including administration of a uniform assessment instrument, the Child and Adolescent Functional Assessment Scale© (CAFAS©), on all children who receive services purchased with pool funds. More information on the required use of the uniform assessment instrument is included in Appendix C.
- Identification of desired outcomes and strategies/timeframes for meeting the outcomes
- Identification of necessary service(s) in the least restrictive, most appropriate environment
- Recommended level of need
- Consideration of mitigating circumstances
- Finalized service plan
- Collaborative negotiation with vendor
- Implementation of service plan
- Utilization Review
- Update of services and goals

9.2.4. Sliding Fee Scale

The 1995 General Assembly amended the Comprehensive Services Act to allow local governments to ask the parents of the children receiving services to contribute towards the cost of service, unless otherwise prohibited by law or regulation. The 1999 General

Assembly further directed the community policy and management team (CPMT) and the FAPT to utilize a standard sliding fee scale **based upon ability to pay**.

9.2.4a. Child Support and Parental Co-Payments

The difference between child support and parental co-payment is significant. Child support is money paid to raise a child. Parental co-payment is money paid to reimburse an agency for a portion of the cost of the delivery of a service. None of the factors used to develop the child support guideline include a service cost.

Child support is a financial responsibility both parents have to their children. Whether parents are living together or are separated, a child is entitled to financial support from both parents. It is a legal responsibility. The amount of child support paid by absent parents is *not* based on the child's needs. It is calculated following the Virginia Child Support Guideline. This guideline is based on an "Income Shares Model." The basic premise of this model is that the income of both parents should be considered in determining the amount of the child support. The expectation is that the same proportion of parental income should be expended for the child as would have been expended had the child been living in the household. In an intact household, the income of both parents is pooled for the support of all the family members. Whether parents are living together or are separated, the child is entitled to that share.

Virginia child support laws codify the parents' duty to care for children to the best of their resources. Each parent's share of child support is determined by considering the combined adjusted income of both parents, with allowable deductions, and the proportional responsibility of each parent.

9.2.4b. Criteria for Parental Payment Assessments

As approved by the State Executive Council, the following criteria should be considered when determining whether parental contributions are appropriate:

- 1) Parents of children in out-of-home placements not be charged a payment for services in addition to the child support order. Instead, for **out-of-home care**, the workgroup recommended more effective implementation of existing state law and policy requiring referral of such cases to the Division of Child Support Enforcement (DCSE). The non-custodial parents of children in out-of-home care are to be referred to the DCSE for the collection of child support. An addition payment for services coupled to the payment of child support may be considered in the future, but the workgroup recommended that both not be collected at this time.
- 2) Parents of children in **in-home care** be charged a standard parental co-payment based both on the ability of each parent to pay and the cost of the service. Parents and legal guardians of children receiving in-home care are expected to contribute financially to the cost of services. Each local government will be expected to develop policies to assess this fee. Local governments are encouraged to assess a fee based on a locally developed scale. Some local jurisdictions have modified the child support scale and currently use it as the basis of a CSA fee. Refer to www.csa.state.va.us for further guidance on this topic.

9.3. Use of Pool Funds

9.3.1. Provision of Services

Pool Funds "shall be expended for public or private non-residential or residential services for troubled youths and families" (Code of Virginia) § 2.2-5211.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

Pool Funds are to be used for services for specific children and their families. Effective July 1, 1999, the State Executive Council shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with (Code of Virginia) § 2.2-5211, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

(2000 Appropriations Act). Further, all cases utilizing pool funding, except for foster care maintenance must be reviewed by the Family Assessment and Planning Team or a collaborative multidisciplinary team approved by the State Executive Council.

9.3.2. Private/Public Provider Purchases

All potential service providers (public and private) have the opportunity to present service options and are encouraged to develop needed services in a cost-effective manner. Pool Funds may be used to purchase services from public or private agencies, provided such purchase arrangements are consistent with existing mandates and do not supplant current funding.

9.3.3. Service Development

The Comprehensive Services Act allows localities to develop services (including contractual services), and to be reimbursed for those services from Pool Funds, as long as the reimbursement is for services purchased for specifically identified youths and their families.

9.3.4. Maintenance and Support Expenses for Child/Family

Basic maintenance needs (including, but not limited to, clothing, personal allowance, etc.) may be reimbursed from Pool Funds if the maintenance needs are specific to an individual child.

9.3.5. Service Fee Directory

The Service Fee Directory (Code of Virginia) §2.25214, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5214> is an electronic system developed to assist localities and providers of services to share information regarding availability of services and fees for services. Private and public providers of services list information describing their programs, locations and fees. Interested parties may access this information via the CSA web site <http://www.csa.state.va.us>. The Directory lists all providers along with service and rate information authorized to receive payment from the Pool Funds except for exemptions listed in the following section:

9.3.5a. Criteria for Inclusion in the Service Fee Directory

Any entity, public or private, to include out-of-state vendors that provide specialized services for children.

The term specialized services means a service or activity specifically designed to assist persons with disabilities or at risk.

Exempted from inclusion in the directory are the following:

- Individuals not associated with an entity, providing services.
- Individually approved foster care families.
- Purchase of goods
- Non-specialized services (community activities only indirectly associated with care, e.g. baby-sitting, swimming lessons, transportation, etc.).

Any provider, facility, program or service for which licensing standards exist must have in effect a valid license in order to be listed in the directory.

Any unregulated provider, facility, program or service for which there are no licensing standards may be included in the directory.

9.3.5b. Rates

Rates will be determined by the provider of the service. Service providers may change posted services and fees at will, however, such changes will go into effect only after they are posted in the Service Fee Directory. Posted rates will reflect the **maximum** cost of services. Contracts between providers and purchasers will lock in the amount to be paid for services to a specific child/family for the period covered by the contract. Contracts should be negotiated between providers and purchasers and reviewed carefully to ensure that all services specified in the service plan will be provided consistently with the client.

9.3.5c. Room and Board Rates

Service providers offering room and board must maintain a separate fee for that service. Room and board means "payment to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child and reasonable travel to the child's home for visitation. In the case of institutional care, such terms shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the items described in the preceding sentence."

9.3.5d. Access to Service Fee Directory

The Comprehensive Services Act Service Fee Directory may be accessed via the CSA web site, <http://www.csa.state.va.us> click on the Service Fee Directory from the main menu.

9.3.5e. Contact

Questions regarding the service fee directory should be directed to the Office of Comprehensive Services at <http://www.csa.state.va.us> or 804-662-9815.

9.4. Restrictions on Pool Fund Usage

To assure that Pool Funds continue to purchase direct services for children and their families, the following limitations have been placed on the use of Pool Funds:

9.4.1. Administrative Costs

Pool Funds must not be used for administrative expenses that may be incurred for support services to the Community Policy and Management Team and the Family Assessment and Planning Team.

9.4.2. Interagency Coordinators

Community Policy and Management Teams shall not pay for interagency coordinators with Pool Funds.

9.4.3. Supplanting of Funds

Pool Funds cannot be used to supplant federal or state funds supporting existing programs.

9.4.4. Case Management

"Each agency shall continue to be responsible for providing services identified in the individual family service plans which are within the agency's scope of responsibility and which are funded separately from the state pool" (Code of Virginia) § 2.2-5211.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5211>

Case management services related to administering the Comprehensive Services Act cannot be reimbursed with Pool Funds. For example, case management services that are provided by the Family Assessment and Planning Teams, as described in (Code of Virginia) § 2.2-5208 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-5208> of the Comprehensive Services Act, **cannot be paid for with Pool Funds**. Every Family Assessment and Planning Team, in accordance with policies developed by the Community Policy and Management Team, shall provide these services:

- Review Referrals;
- Provide for family participation;
- Develop individual family service plans;
- Refer to community resources;
- Recommend expenditures from Pool Funds; and
- Designate a person to monitor and report progress on the Individual Family Services Plan.

Case management services that are **beyond** each agency's scope of responsibility, provided as direct services for children and their families, and which add demonstrated value necessary to meet child-specific needs may be purchased with Pool Funds.

9.5. Placements Outside of Virginia

The existing mechanisms for placement of youths out-of-state must be complied with by localities:

9.5.1. Interstate Compact

The Interstate Compact of the Commonwealth of Virginia provides the means to cooperate with other states in the interstate placement of children as specified below. (Code of Virginia) § 63.2-1000.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1000>

- 1) "Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.
- 2) "The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.
- 3) "The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.
- 4) Appropriate jurisdictional arrangements for the care of children will be promoted."

Interstate Compact on the Placement of Children applies to all children and families serviced under the Comprehensive Services Act for At Risk Youth and Families. The purpose of participation in the interstate compact is to ensure that children are appropriately placed and educated. It is not an approval process of an Individual Education Plan, rather the protection of a child. The Department of Social Services administers the Interstate Compact in Virginia. For more information, please contact:

Interstate Placement Unit
Deputy Compact Administrator
Department of Social Services
730 E. Broad Street, 2nd Floor
Richmond, Virginia 23219
(804) 692-1279 /1274

9.5.1a. Commissioner's Consent

(Code of Virginia) § 63.2-1104 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1104>

and (Code of Virginia) § 63.2-1000

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1000>

5 Code of Virginia also apply to interstate placements. Note that

(Code of Virginia) § 63.2-1104 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1104>

sets forth the jurisdiction of the Commissioner and the State Board of Social Services. The Virginia Department of Social Services Interstate Office administers Commissioner's Consent. For more information call (804) 692-1279.

9.5.2. Placement by Local School Divisions

Children placed by local school divisions are subject to the Compact (Code of Virginia)

§ 22.1-218.1. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-218.1>

9.5.3. Placement by The Department of Juvenile Justice

(Code of Virginia) § 16.1-286 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-286> Code of Virginia requires the Department of Juvenile Justice to comply with the provisions (Code of Virginia) of Chapter 11, Title 63.2-1000 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1000> and (Code of Virginia) Chapter 11, Title 63.2-1105 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1105> relating to resident children placed out of the Commonwealth.

10. Fiscal Procedures

10.1. Formula Allocations

The amount to be allocated to each locality is defined as the total Medicaid target and the total non-Medicaid pool allocation as specified in the Appropriations Act. Effective July 1, 2000, the state pool funds for the Medicaid target and non-Medicaid allocations are distributed to each locality based on the greater of the locality's percentage of actual 1997 Comprehensive Service Act program expenditures to total 1997 program expenditures or the latest three-year average of program expenditures.

10.2. Local Match

Beginning with program year 1999, the base year for Comprehensive Service Act expenditures are 1997 actual program year expenditures.

"All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Comprehensive Services Act for At-Risk Youth and Families." (2003 Appropriations Act, Item 935, Item 299, section D2)

The funds used for local match must be "cash" (i.e., in-kind costs cannot be used). Matching funds may be from any source other than state or federal funds received under the Comprehensive Services Act, unless otherwise prohibited.

Local match for Medicaid eligible expenditures are based on the aggregate local match rate based on 1997 program year expenditures. This match rate will be applied to the gross service expenditure less the federal Medicaid participation amount.

10.3. State Fiscal Agent

The Virginia Department of Education is the designated state fiscal agent for all funds appropriated at the state level under the Comprehensive Services Act. <http://www.pen.k12.va.us>

10.4. Local Fiscal Agent

There shall be established a fiscal agent for each CPMT. If the CPMT is multi-jurisdictional, the fiscal agent shall establish accounts for each participating locality and all rules will apply to each account as if it were a separate entity.

10.5. Disbursement Procedures

Each locality receiving funds for activities funded by the Comprehensive Services Act (CSA) shall have an approved utilization management process covering all CSA services. The locality must expend funds and then will be reimbursed for the state-share of the expense by the State Fiscal Agent. Subsequent reimbursements may be made after the locality has filed and the state has approved a supplemental allocation request. (Refer to section 10.8 for information regarding supplemental allocation requests.)

The CPMT fiscal agent may request reimbursement as often as monthly but not less often than quarterly. Requests for reimbursement of local pool expenditures must be submitted no later than thirty days after the close of the quarter in which the expenditure was paid. A report should be submitted at the end of the quarter even if no expenditures were made during that quarter. The state fiscal agent will be monitoring local compliance with this requirement and will advise local administration of noncompliance. Requests for reimbursement must be submitted by the local fiscal agent on the most current Comprehensive Services Act Reimbursement Request forms, and payment of the state-share will be made by the State Fiscal Agent to the fiscal agent of the CPMT. In the case of a multi-jurisdictional CPMT, the fiscal agent must submit separate requests for each locality.

Costs for which reimbursement is being claimed must be reported as pertaining to the fiscal year in which the service was provided. The state fiscal agent against the locality's pool allocation for the fiscal year will post all such reimbursements. Final claims for reimbursements for prior year payments will not be accepted after the first quarter (September 30) of the next fiscal year. Local governments may request a waiver of this policy in the event of extenuating circumstances beyond the control of the local government. This request must be made in writing to the Business Manager of the OCS explaining the extenuating circumstances. Payment of Pool Funds to the fiscal agent of the CPMT will be by the electronic fund transfer system. Questions can be addressed to the CSA Fiscal Agent at the Virginia Department of Education at (804) 371-6876.

10.6. Fund Audit

The expenditure of funds under the Comprehensive Services Act will be audited in each locality as a separate program account, and will be conducted as part of the annual local audit. (Refer to Appendix D, Auditor of Public Accounts, Comprehensive Services Act for At-Risk Youth and Families audit procedures.)

Localities are permitted flexibility in defining Comprehensive Services Act funds within its account structure, provided Comprehensive Services Act state and local expenditures and revenues are identified separately from other funds.

The fiscal agent must maintain such records as are necessary to document the amounts that are shown as expended on each claim for reimbursement. Documentation must be maintained that also demonstrates that each expenditure of pool funds by the CPMT was made on behalf of a specific child (or list of specific children). It is not necessary to maintain a child's actual name in the office of the fiscal agent as long as some identifier is used that can be traced under an audit to the child.

In the case of a multi-jurisdictional CPMT, where the fiscal agent may be "passing through" the state pool funds to a fiscal agent in each participating locality, the fiscal agent of the CPMT must

obtain and record certification from each participating locality that the documentation requirements described above are met.

10.7. Target Population Allocation Plan

By June 15 annually, each CPMT must submit an allocation plan for the use of pool funds (state and required local match combined). In the case of a multi-jurisdictional CPMT, a separate allocation plan must be submitted for each participating locality. The plan must provide for the anticipated cost of serving children according to the following:

1) Mandated Target Population

The Act requires the CPMT to reserve funds from its state pool allocation for mandated populations. The mandated target population is defined in 5.2.1c.

Children placed for purposes of special education in approved private school educational programs, previously funded by Department of Education through Private Tuition Assistance; plus

- (a.) Children with disabilities, placed by local social services agencies or Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by Department of Education through the Interagency Assistance Fund for Non-educational Placements of Handicapped Children, plus
- (b.) Children for whom foster care services, as defined by (Code of Virginia) § 63.2-905 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-905> are being provided to prevent foster care placements, and children entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction, or placed with a local department or public agency designated by the Community Policy Management Team through an agreement where custody is retained by the parent or prior custodian for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by (Code of Virginia) § 63.2-905. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-905>

4) Non-Mandated Target Population

- (a) Children placed by a juvenile and domestic relations court, in accordance with the provisions of (Code of Virginia) § 16.1-286, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-286> in a private or locally operated public facility or nonresidential program, plus
- (b) Children committed to Department of Juvenile Justice and placed by it in a private home or in a public or private facility in accordance with (Code of Virginia) § 66-14. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+66-14>

5) Other Eligible Population

Children other than MANDATED TARGET or NON-MANDATED TARGET who are also eligible for pool funds under the Comprehensive Services Act.

6) Protection Level

Each year localities may protect a specific amount of the total state pool to provide services to the targeted non-mandated and other eligible populations. As long as the protected funds are attached to a specific targeted non-mandated or eligible child, a locality may maintain those funds and still apply for and receive supplemental funds for the mandated populations. The amount each locality is permitted to protect is determined by formula and is in no case less than \$10,000. Each locality will be notified of its protection level prior to submitting its Pool Allocation Plan.

10.8. Supplemental State Allocation

The Comprehensive Services Act requires that the General Assembly and the local governing body shall appropriate such sums sufficient to provide services for children in the MANDATED TARGET population.

"The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient (i) to provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 of this section and (ii) to meet relevant federal mandates for the provision of these services. The community policy and management team shall anticipate to the best of its ability the number of children for whom such services will be required and reserve funds from its state pool allocation to meet these needs." (Code of Virginia) § 2.2-5211.
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod-2.2-5211>

Should there not be sufficient funds in the locality's allocation to accommodate unanticipated costs of serving the mandated population, the CPMT may apply to the State Executive Council for a supplemental allocation for the state-share of the unanticipated costs. In the case of a multi-jurisdictional CPMT, the application is submitted for an individual participating locality. The Appropriations Act contains the following requirements relating to supplemental funds:

"Localities requesting funding from the set aside in paragraph 2.a and 2.b must demonstrate that their request is based upon an increase in the number of mandated children or that the treatment costs have increased due to the service needs of the children. Localities must also demonstrate they are in compliance with all the provisions of the Comprehensive Services Act, including uniform assessment, family assessment team reviews, and data collection." (2002 Appropriations Act, Item 299, § 2, § C)

Approved supplemental allocations will be in effect only during the program year for which the requests are made. Supplemental allocations are not added to the base allocation for the subsequent fiscal year.

10.8.1. Supplemental Allocation Requirements

A CPMT may request a supplemental allocation at any time. In order to be approved for a supplemental allocation, the CPMT must demonstrate each of the following:

- a) A known cost has been, or will be, incurred for a specific child or children in the MANDATED TARGET population.

- b) The cost was unanticipated - this must be shown by explaining why the cost was not anticipated, and by justifying the level of anticipated cost for the MANDATED TARGET population that was submitted in the Allocation Plan.
- c) Any amount of the allocation for the non-mandated population (NON-MANDATED TARGET + OTHER ELIGIBLE in the Allocation Plan) which, 1) exceeds or anticipates the protection level established for that year and 2) is not yet expended or obligated, will be re-allocated for use with the MANDATED TARGET population. For this purpose, obligations are unpaid purchase orders, contracts, or any other agreements, which bind the CPMT to pay for goods or services to be delivered to specific children, at a specified cost, over a defined period of time.
- d) Localities requesting supplemental funding, "Must demonstrate that their request is based upon an increase in the number of mandated children or that the treatment costs have increased due to the service needs of the children. Localities must also demonstrate they are in compliance with all provisions of the Comprehensive Services Act, including uniform assessment, family assessment team reviews and data collection." (2002 Appropriations Act, Item 299, § 2, § 3)
- e) Localities requesting supplemental funds must also demonstrate that they are in compliance with all provisions of the Comprehensive Services Act including, but not limited to, instituting and operating effective cost control measures as recommended by the State Executive Council.
- f) Requests for supplemental allocations are filed electronically via the CSA web-site <http://www.csa.state.va.us>. The requests will be reviewed according to the above criteria, and the local fiscal agent will be notified. Attached to the notice will be a copy of the locality's amended allocation. Staff from the Office of Comprehensive Services may conduct a site visit to review information and supporting documentation in conjunction to the approval of a supplemental request.
- g) Effective with the FY 03 Appropriations Act "The State Executive Council, in conjunction with the Department of Planning and Budget, shall develop performance standards to include, but not be limited to, use of federal funds or state and local support of the Comprehensive Services Act. The performance standards shall be implemented no later than September 30, 2002. Effective July 1, 2003 reimbursements from paragraph C 2 a (supplemental funding) in this item, shall be contingent upon meeting minimum performance standards."

10.9. Service Utilization Report

Each quarter, local governments must submit the Quarterly Services Utilization report that provides a count of youths served with CSA pool funds. The Quarterly Services Utilization Report is due 30 days after the end of the quarter: 10/31, 1/31, 4/30 and 7/31. This report is to be submitted to the Office of Comprehensive Services. In addition, the two-page Pool Reimbursement Request form is filed with the Department of Education at least quarterly. These reports are the only source of census and expenditure data the OCS receives on a regular basis.

Localities that have not submitted their Quarterly Services Utilization Report by the required due date will have all of their CSA funded reimbursements withheld until the report is submitted.

10.10. Recovery of Funds From Other Sources

Funds recovered and paid to the pool from individual client accounts (i.e., special welfare accounts, Social Security, SSI, Veterans Administration benefits, client trusts, parental contributions/fees and other funds collected for specific Comprehensive Services Act eligible children) must be treated for accounting purposes as expenditure refunds. These expenditure refunds and a breakdown of their sources must be reported on the Reimbursement Request form.

10.11. Administrative Funds

10.11.1. Use Of Administrative Funds

Administrative funds may be used for the added cost incurred by localities of implementing the Comprehensive Services Act. Use of these funds is flexible, and may be for administrative and coordinating expenses, or even direct services to eligible youth and families. The decision on specific use of administrative funds rests with the Community Policy and Management Team.

10.11.2. Allocation and Local Match

For administrative funds, each locality is required to appropriate a local match based on the match rate used in the pool formula for growth funds. Inclusive of the state allocation and local match, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the fiscal year 1997 pool allocations. No locality shall receive more than \$50,000 inclusive of the state allocation and local match.

10.11.3. Fiscal Procedures

By June 30th of each year, the Community Policy and Management Team must submit to the State Fiscal Agent budget plans for using administrative funds (state and local combined).

Upon receipt of the Administrative Funds Budget Plan, the State Fiscal Agent will process a single payment to the fiscal agent of the Community Policy and Management Team for the state's share of the administrative allocation.

If, during the course of the year, the Community Policy and Management Team elects to use its administrative funds in a manner other than proposed in the Budget Plan, it may do so without amending the plan, provided the funds are expended in accordance with the uses set forth in 10.11.1.

The local fiscal agent must account for Comprehensive Services Act administrative expenditures such that they are clearly identifiable as Comprehensive Services Act administrative expenditures.

11. Additional Service Funding Options

11.1. Foster Care Education Reimbursement

This fund, managed by the Department of Education and not as a part of CSA funds, provides an offset of the local costs incurred when a child receiving foster care services is educated in the local

school division. (This fund does not pay for private day or residential services specified by the IEP for children in foster care, which are funded by the State Pool funds.)

11.2. Regional Special Education Programs

School boards that create a regional special education program to serve children with low incidence disabilities will receive reimbursement from this funding source.

11.3. Department of Medical Assistance Services (DMAS)

The Department of Medical Assistance Services (DMAS) www.dmas.state.va.us began reimbursing for residential psychiatric treatment and for treatment foster care case management effective January 1, 2000. Services must be provided by a Medicaid enrolled provider. Medicaid may also be billed for certain services provided by the local school division (e.g., occupational therapy, physical therapy, speech-language services, skilled nursing services and outpatient psychiatric services). Medicaid is not allowed to limit services by age (except the EPSDT services). Therefore, if a child meets the eligibility criteria for what would usually be considered an adult service, the child is eligible. Other existing mental health services accessible by communities are listed below. Refer to the corresponding DMAS manual at www.dmas.state.va.us for detailed requirements regarding each of the services listed below.

11.3.1. Residential Psychiatric Services

Inpatient psychiatric services in a residential treatment facility provided by participating providers may be reimbursed by Medicaid. A recipient under the age of 21 years is eligible for these services.

These services require prior authorization. The prior authorization agent for these services is WVMF. Proper paperwork must be submitted to WVMF within 24 hours (or next business day) of admission. Authorization is given for 31 days. In order to access continued stay; the provider must resubmit their prior authorization request before the end of their authorization period.

Active treatment is required and the facility must provide active mental health treatment beginning at admission and it must be related to the recipient's principle diagnosis and admitting symptoms.

The Medicaid agency will reimburse providers for the covered services for residential psychiatric care for each eligible child at the daily rate agreed upon between the local Community Policy and Management Team (CPMT) in the locality that is responsible for the child's care and the residential psychiatric treatment provider. This negotiated rate cannot exceed the maximum set forth by Medicaid for these services.

The daily rate includes room and board, minor ancillaries, occupational, physical and speech therapy when provided by facility staff. The provider may also include pharmacy costs in their daily rate. The provider should bill separately for all professional services, lab services, occupational, speech and physical therapy when provided by staff employed outside the facility. If a recipient's stay is denied, Medicaid will not reimburse for the professional services.

This service can be found in the DMAS (www.dmas.state.va.us) Psychiatric Services Manual.

11.3.2. Treatment Foster Care Case Management Services

Treatment Foster Care (TFC) Case Management provided by enrolled Medicaid providers may be reimbursed by Medicaid. A recipient under the age of 21 years is eligible for these services. TFC case management services require prior authorization. The prior authorization agent for this service is WVMI. Proper paperwork must be submitted to WVMI within 10 business days of placement. Authorization is given for six months. In order to access continued stay; the provider must submit their request to WVMI before the end of their authorization period.

The Medicaid agency will reimburse providers for the covered services of TFC case management for each eligible child at the daily rate agreed upon between the local Community Policy and Management Team (CPMT) in the locality which is responsible for the child's care and the TFC case management provider. This negotiated rate cannot exceed the maximum set forth by Medicaid for this service.

Medicaid will reimburse only for case management services. Services such as foster parent stipend, foster parent training; staff training and staff administrative time among others are not reimbursable by Medicaid.

This service can be found in the DMAS Psychiatric Services Manual.

11.3.3. Acute Psychiatric Care Services

Acute psychiatric care is a service that may be reimbursable by Medicaid. The child must meet the severity of illness criteria as outlined in the Psychiatric Services Manual. This service requires prior authorization and information must be submitted to WVMI by telephone or facsimile within 24 hours of admission.

11.3.4. Outpatient Psychiatric Services

Outpatient Psychiatric Services are available to Medicaid recipients in the practitioner's office or at school. Services can be provided for a recipient who is in an out of home placement if the provider has an enrolled office at the group home.

Twenty-six sessions are available within the first year without prior authorization. An additional 26 are available within the first year when pre authorized. An additional twenty-six are available in subsequent years when pre authorized.

WVMI is the prior authorization agent for outpatient psychiatric services. Prior to using the 26th visit in the first year the provider must submit a pre authorization request to WVMI.

This service can be found in the DMAS Psychiatric Services Manual.

11.3.5. Community Mental Health Rehabilitation Services

Providers of community mental health rehabilitation services must be appropriately licensed by the Department of Mental Health, Mental Retardation and Substance Abuse (www.dmhmrzas.state.va.us) and enrolled with Medicaid.

The following services are available as community mental health rehabilitation services: intensive in-home services (under 21), therapeutic day treatment, crisis stabilization, crisis intervention, psychosocial rehabilitation, intensive community treatment, targeted case management, mental health supports; residential substance abuse services for

pregnant and postpartum women and substance abuse services for day treatment for pregnant and postpartum women.

These services do not require prior authorization but do have service limitations. These services can be found in the DMAS (www.dmas.state.va.us) Community Rehabilitation Services Manual.

APPENDICES

The following documentation has been made available to provide additional resources and information for your usage. They are as follows:

APPENDIX A - GUIDANCE ON THE PROVISION OF FOSTER CARE

APPENDIX B - CSA AND SPECIAL EDUCATION TECHNICAL ASSISTANCE DOCUMENT

APPENDIX C - UTILIZATION MANAGEMENT GUIDELINES

APPENDIX D - UTILIZATION REVIEW GUIDELINES

APPENDIX E - DOCUMENTATION INVENTORY

APPENDIX F - AUDITOR OF PUBLIC ACCOUNTS: AUDIT SPECIFICATIONS FOR COUNTIES, CITIES AND TOWNS

APPENDIX G - MULTI-DISCIPLINARY TEAM APPLICATION

APPENDIX H - REVISED FOSTER CARE PREVENTION GUIDELINES

APPENDIX I – ADOPTION SUBSIDY AND RESIDENTIAL PLACEMENTS GUIDELINES

APPENDIX J- PARENTAL RIGHTS